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2022

Osgoode Syllabus of Courses and Seminars: 2022 - 2023

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OSGOODE HALL LAW SCHOOL

COURSE SYLLABUS

2022-2023

The Syllabus and timetables provide information available as of June 2022 to enable upper-year students to complete course selection for the 2022-2023 academic year. The dates, instructors, courses, regulations and timetables are correct at the time of posting. However, Osgoode Hall Law School reserves the right to make changes. Courses or seminars may be cancelled due to insufficient enrolment.

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ACADEMIC REQUIREMENTS

Please read this section carefully before planning your year of study.

STUDENTS ENTERING FIRST-YEAR PROGRAM IN FALL 2018 (OR LATER) must meet these degree requirements as found in the Academic Rules of the Student Handbook:

1. Successfully complete a minimum of 60 credit hours over second and third years;
2. In each of 2nd and 3rd year, successfully complete a seminar, course or other option satisfying the [Upper Year Research & Writing Requirement](#) described on page 1;
3. Complete the 40-hour [Osgoode Public Interest Requirement](#) described on page 2;
4. Complete a course or seminar that satisfies the [Praxicum requirement](#) described on page 2;
5. Complete a course or seminar that satisfies the [Indigenous and Aboriginal Law Requirement \(IALR\)](#) described on page 2.
6. Enrol in between 13 and 17 credit hours each term; and
7. May not take more than two seminars per term.

STUDENTS ENTERING FIRST-YEAR PROGRAM IN FALL 2017 ONLY must meet these degree requirements as found in the Academic Rules of the Student Handbook:

- 1) Successfully complete a minimum of 60 credit hours over second and third years;
- 2) In each of 2nd and 3rd year, successfully complete a seminar, course or other option satisfying the [Upper Year Research & Writing Requirement](#) described on page 1;
- 3) Complete the 40-hour [Osgoode Public Interest Requirement](#) described on page 2;

- 4) Complete a course or seminar that satisfies the [Praxicum requirement](#) described on page 2;
- 5) Enrol in between 13 and 17 credit hours each term; and
- 6) May not take more than two seminars per term.

Note: Students in the Joint JD/MBA, JD/MES or JD/MA (Phil) should refer to [Joint Programs](#) on pages 56-60 for specific program requirements.

Upper Year Research and Writing Requirement

All students must complete two (2) upper year research papers pursuant to Rule A 3.6 of the Academic Rules of Osgoode Hall Law School by the end of third year. In each of their 2nd and 3rd years, students are required to enroll in a course, seminar or other option which satisfies the requirement.

Upper Year Research Requirement (Academic Rule A.3.6):

- a) Students will be required, in each of second and third year, to successfully complete one of the following:
 - i) a seminar or designated course in which the student writes a research paper as the primary mode of evaluation;
 - ii) a research paper under Rule 4.4;
 - iii) a Research Program under Rule 4.5; or
 - iv) a major writing requirement in a Joint Program involving Osgoode Hall Law School and another faculty or department of the University.
- b) For the purposes of this Rule:
 - i) “seminar” includes a seminar taken in another faculty or department of the University under Rule 4.9 or, with the permission of the Assistant Dean (Students) or the Associate Dean (Students) in another University;

- ii) “designated course” means a course or clinical program designated by the Assistant Dean (Students) or the Associate Dean (Students);
- iii) a research paper constitutes the “primary mode of evaluation” when at least 60% (or the equivalent) of the final grade in the seminar or course is based on the research paper;
- iv) a “research paper” means a paper at least 7,000 words in length, excluding notes, bibliography and appendices.

intercultural competency, conflict resolution, human rights and anti-racism.

Indigenous and Aboriginal Law Requirement (IALR)

All graduates of the JD program must have completed at least one course that fulfills the Indigenous and Aboriginal Law Requirement (IALR).

For the 2022-2023 academic year, the following courses qualify for the IALR: Indigenous Peoples & Canadian Law; Comparative Law: Indigenous Legal Traditions; Indigenous Perspectives & Realities.

A course fulfills the IALR when it meets the following criteria:

- it is a lecture, seminar, or other for-credit course offering that carries at least three (3) credits;
- the course content focusses primarily on Indigenous and Aboriginal legal issues and engages in a substantial way with all three of the following:
 - Indigenous law (law that stems from Indigenous communities);
 - Aboriginal law (non-Indigenous law, including Canadian law, as it pertains to Indigenous people);
 - Aspects of professionalism and/or practice skills related to serving Indigenous clients, which may include

Osgoode Public Interest Requirement (OPIR)

The Osgoode Public Interest Requirement (OPIR) is a graduation requirement for all JD students at Osgoode Hall Law School. Students are required to complete 40 hours of unpaid, law-related, public interest work over their three years at law school and will receive recognition for their work on their final transcript. A variety of placements are available including CLASP, clinical courses, intensive programs, student-sourced placements, Pro Bono Students Canada projects, the Government of Ontario, the Ontario Securities Commission, the private bar and more. Placements may be done locally, nationally or internationally. Evaluation is done through either a short paper reflecting on the student’s experience or by participating in a moderated discussion group with other students.

For detailed information visit [OPIR](#) on the Osgoode website.

Practicum Requirement

A practicum is a course, seminar or clinical program that integrates legal theory with practice. Such offerings provide opportunities for experiential learning, a process which engages and fosters notions of reflective education. In turn, the purpose of such reflective education is to assist students to become reflective professionals. Courses, seminars and programs that qualify as meeting the practicum requirement will be indicated as such in the Syllabus.

Practicum Requirement (Academic Rule A.3.8)

In either second or third year, each student shall successfully complete a practicum designated course.

For the purposes of this Rule, “designated” means a seminar, course or clinical program designated as meeting the practicum requirement.

Prior to filing of plans of study under Rule 3.2, the Programs & Records Office shall publish a list of seminars and designated courses fulfilling the practicum requirement offered at Osgoode Hall Law School in the next academic year.

Notes on Course Registrations

- Students are not permitted to enrol in a course or seminar where the time for the classes or exams of that course or seminar conflict with those of another course or seminar in which the student is enrolled.
- Supervised research papers, mooting, lawyering competitions, courses in other faculties and courses at the University of Toronto, Faculty of Law are considered as seminars for enrolment purposes.
- Students enrolled in a 15-credit clinical program may enrol in only four seminars over their second and third years.
- A student may apply for approval to enrol in additional seminars by completing a More Than Two Seminars Approval Form and submitting it to the Programs & Records Office.
- A student may not be enrolled in more than one 15 credit clinical program over second and third years;
- Students must have taken all specified prerequisites for 4000-level courses and 5000-level seminars.

Students are expected to ensure that they are informed on the various regulations concerning

academic dishonesty, in particular, that it is a serious academic offence (i.e. cheating) to submit the same or substantially the same paper to satisfy the requirements of more than one course without receiving the prior written permission from each instructor. Please refer to the Student Handbook posted on MyOsgoode for further details.

It is the responsibility of the student to comply with the academic requirements of the JD program.

ENROLMENT PROCEDURES

All courses and seminars are open to all students, provided the academic requirements are met and space in the course is available.

Students initially enter their course preferences in the “Lawselect” course balloting system found on MyOsgoode. Complete information on the course balloting procedures is sent by email and is also posted on MyOsgoode.

Course and Seminar Selections

Before completing your course selections, you will need to carefully review the course descriptions, the Fall and Winter timetables (available online), examination schedules, prerequisites, previous course enrolment figures, the academic regulations and the following guidelines.

With respect to your course selections:

- Select the courses/seminars you wish to take and list them for each term in order of preference.
- You may select up to 17 credits per term. This is the maximum allowable credits per term.

- Students may choose to list possible substitutes in case their selected courses have previously been in high demand, however, this is certainly not required. The course change period will begin during the third week of July and students will have the opportunity at that point to amend their course enrolments. Please note that “substitutes” receive the lowest priority after all the letter priorities are assigned.
- Ensure that both your course timetable and your exam timetable are conflict free. Students are not permitted to enrol in any course or seminar where either the class time or exam date conflict with another course. Exam deferrals will not be granted on the basis of such exam conflicts.

Course Codes

Titles and numbers are allocated for every course and seminar:

- 2000's are courses without prerequisites
- 3000's are seminars without prerequisites
- 4000's are courses with prerequisites
- 5000's are seminars with prerequisites
- 6000's are personal research papers
- 7000's are Clinical Programs
- 8000's are CLASP or Law Journal Credits
- 9000's are exchange program courses
- Courses in other faculties of York University retain the number used in that Faculty.

Priority-based Enrolment

Admission into the various options is governed by a priority-based enrolment system called, “Lawselect”. This system ensures that each student receives an equal opportunity to enrol in courses for which there is high demand. Since it is inevitable that there will be more applications for some courses and seminars than can be accommodated, those students

who have allocated their highest priorities to the course or seminar will be enrolled first.

Assigning Priorities

After considering previous enrolment figures (refer to the Course Information Tables) and weighing your options, assign a letter priority to the courses/seminars you have listed. For example, if you have selected 4 courses in each term, your courses will be assigned letter priorities “A” through “H”.

Each student receives one "A" priority letter, one “B” etc. for the entire year.

- A = highest priority letter
- K = lowest priority letter

Students who have accepted a spot in a clinical program do not need to prioritize the intensive courses since they will be automatically enrolled in that program. However, pre-requisites for clinical programs must be prioritized. Students who have been accepted and confirmed into an Exchange Program should leave the exchange term blank. The exchange credits will be input after the lottery is run.

Substitutes - Priority letters do not apply to substitute courses. If there is an "A" lottery in a course/seminar, and a student is not successful in securing a space in the course, the "A" priority is exhausted and therefore not reassigned to a substitute selection if one is noted. If you have assigned a letter priority to a course and do not secure a space, you will be automatically placed on the waitlist. The position on the waitlist is determined by the letter priority assigned to the course.

Entering your Course Preferences

Students enter their course preferences for Fall/Winter 2022 -2023 online through the Law

Select website from June 27th (11:00 am) to July 7th (11:00 am). The Law Select website will be available 24 hours a day. Students may change their course preferences as much as they like until the deadline. At that time, the study plan is final and will be entered into the Law Select course lottery program. The Programs & Records Office will inform students of their course enrolments in mid-July. The course enrolments from Law Select are automatically entered into the main university enrolment system by the Programs & Records Office.

After Enrolment

Waiting Lists

All courses that have reached maximum enrolment will be waitlisted. You will be automatically added to a waiting list if you had assigned a letter priority to a course but did not secure a space. Students may monitor their position on both fall and winter term waitlists, as well as have the opportunity to add their name to any additional waitlist exclusively online. Students will be able to access the Law Select Waitlist site from the “Law Select: Waitlists” link on MyOsgoode beginning on August 29th. Further details on waitlist procedures will be sent to all students in mid to late August.

Course Changes and Confirming your Enrolment

While submitting your course preferences into the Lawselect database acknowledges your wish to register in courses, all students are required to use the Registration Enrolment Module (REM) to view the list of the courses in which they have been enrolled and confirm their intention to complete registration by paying the required fees. Students may access REM from Wednesday, July 20th until Monday,

September 12th to amend their fall or winter course enrolments. REM is available 24 hours a day, seven days a week to drop or add any course or seminar. The system is available to Osgoode students up to and including September 12th, and then reopens on January 4, 2023 (tbc) until January 17, 2023.

After viewing their course enrolments and confirming their intent to register on the REM, students are required to submit the enrolment deposit online. Registration is complete once full academic fees (or the first installment of fees) have been paid.

Full details on fees payment and deadlines are available on the Financial Services website.

PROPOSAL AND PERMISSION FORMS

Proposal and Permission Forms can be downloaded from and submitted to MyJD. Note that some forms require the approval of the Assistant Dean, Students and/or faculty.

Research Paper Approval Form

Students who propose to undertake a supervised research paper (independent, supervised research) worth two, three or four credit hours must complete and submit the designated form by the end of the add/drop period in September for the Fall term and by the end of the add/drop period in January for the Winter term. Note: the due date for research papers is the first day of the examination period for the term in which the paper is registered. Research Papers are to be submitted electronically to the online drop box.

More Than Two Seminars Approval Form

Students requesting permission to enrol in more than two seminars in one term must complete and submit the designated form.

Extra-Disciplinary Course Approval Form

Students who propose to enrol in a course in another Faculty of York University must complete this designated form. The form must be signed by the Faculty offering the course and by the Osgoode Programs & Records Office. Once both signatures are obtained, the student will then be given access to enroll in the course through the web enrolment.

Information and Assistance

The Programs & Records Office (email student_services@osgoode.yorku.ca) is open to all students requiring assistance with course selection from 8:30 a.m. to 4:30 p.m. Monday to Friday and to 3:30 p.m. on Fridays in June, July and August.

Students are also encouraged to consult with members of faculty.

ADDITIONAL COURSE ENROLMENT OPTIONS

Supervised Research Papers (LW 6000.03)

A student may receive up to a total of nine hours of academic credit for research papers under the supervision of active full-time faculty members, during their second and third years. Research papers will normally carry a credit value of three credit hours, but the Assistant Dean, Students or Associate Dean (Students) may, in the appropriate case, grant permission

for a student to pursue a research paper that carries a credit value of two or four credit hours. Students who are interested in undertaking a supervised research paper must consult with faculty to obtain an appropriate supervisor. Not all faculty are able to undertake student supervision in any given year.

The necessary forms for the supervised research papers are found on the MyJD site and should be scanned and uploaded into MyJD. Note: the due date for research papers is the first day of the examination period. Papers are submitted electronically through the online drop box.

See the faculty biographies online for a list of faculty research areas of interest.

Mooting & Lawyering Simulations 6022.02 (Fall & Winter terms) & LW 6020.03 (Winter) and Professor F. Bhabha, Program Director

Each year competitive mootings brings together students from law schools across Canada and around the world to hone their advocacy and dispute resolution skills in simulated domestic and international courts, tribunals and other settings. Consistent with Osgoode's commitment to experiential education, the mootings program offers simulated experience in a variety of types of lawyering, from appellate court work to trial advocacy, arbitration, mediation, negotiation and client counselling. These skills competitions cover a wide range of subjects, including indigenous, administrative, corporate, criminal, constitutional, class actions, environmental, family, taxation, international, labour, and securities law. Most competitions involve domestic law, while some involve private or public international law. Some are held in

Toronto while others are held in various locations across Canada and around the world.

Participation in the mooting and lawyering skills competition program gives students the opportunity to delve deeply into a particular area of law and develop a wide range of legal research, writing, advocacy and dispute resolution skills in a collaborative, small group-setting, under academic guidance and direction.

The competitions for which Osgoode students receive credit varies from year to year. Appellate moot teams are selected via a consolidated tryout process each Spring, while other competitions have their own selection processes throughout the school year. The consolidated tryouts cover the following competitions:

- Adam F. Fanaki Competition Law Moot
- Davies (Corporate/Securities Law)
- Bowman (Tax Law)
- Gale (Constitutional Law)
- Fox (Intellectual Property Law)
- Immigration and Refugee Law Moot
- Julius Alexander “The Isaac”
- National Labour Arbitration Competition
- Jessup (Public International)
- Price Media Law Moot
- The Laskin (Administrative Law)
- Tort Law Moot
- Walsh (Family Law)
- Wilson (Equality Law)
- Winkler Class Actions

Teams selected via separate processes include:

- Arnup Cup and the Ontario Trial Lawyers’ Association Cup trial advocacy competitions (selected via the Trial Advocacy seminar)

- Canadian Client Consultation Competition (“CCCC”)
- Canadian National Negotiation Competition (“CNNC”): to be selected via the annual intramural Negotiation Competition organized by Dentons LLP
- The Hague International Criminal Trial Competition (selected via the International Dispute Resolution: Advocacy in the International Criminal Court seminar)
- International Academy of Dispute Resolution International Law School Mediation Competition (“INADR”): to be selected from among students with a demonstrated interest in mediation
- Kawaskimhon National Aboriginal Law Moot (aboriginal rights dispute settlement exercise based on aboriginal principles of consensus): to be selected among students interested in aboriginal law
- Ontario Trial Lawyers Association Cup (trial advocacy): to be selected from among students in the Trial Advocacy Course.
- Hicks Morley Cup (Labour law, no-credit moot): selected through separate rounds of competitions organized and promoted by the Osgoode Labour and Employment Law Society

The number and type of credits (graded vs. ungraded) vary between competitions, depending on the nature and scope of the academic work involved.

Appellate Advocacy Workshop (LW 6022.02) and the Praxicum Requirement

Instructor: Professor F. Bhabha

Members of appellate moots, including the Competition, Corporate/Securities, Bowman, Gale, Fox, Jessup, Isaac, Tort, Immigration and Refugee Law, Price Media, Laskin, Walsh, and Wilson teams are required to enrol in the

Appellate Advocacy Workshop (AAW), which convenes on occasional Wednesdays throughout the school year. Research-based appellate moot court teams connect the theory and practice of lawyering through a combination of readings, discussion, demonstrations, practice exercises, and guest appearances by skilled advocates. The workshop provides a framework for maximizing the learning potential in lawyering simulations. Students will read about different approaches to oral and written advocacy; learn how to formulate a case theory and develop legal arguments; hone research, writing, editing and oral skills; and prepare for performance. The workshop is worth two ungraded credits.

Students who have been selected for moot teams will be pre-enrolled in the 3-credit moot and the 2-credit workshop in the Lawselect system. **The Appellate Advocacy Workshop is scheduled in the timetable (Wednesdays, 4:30-6:30) and appellate mooters may not enrol in a course that conflicts with the workshop.**

The praxicum requirement will be satisfied by those students who participate in competitive moot and who also enrol in the Appellate Advocacy Workshop.

Osgoode Hall Law Journal

LW 8010.04 (Winter)

Professor C. Craig, Editor-in-Chief

Academic Rule A. 4.1 allows four credit hours in each of the upper years for the work undertaken by senior student editors of the Osgoode Hall Law Journal. The four-hour credit is treated as a seminar for enrolment purposes. Though the work is not graded, prescribed tasks must be undertaken for senior editors to qualify for Law Journal credits. One year's work as an associate editor is a prerequisite for appointment to a senior editorial position; the

process to select senior editors for the upcoming academic year takes place towards the end of the winter semester.

Journal of Law and Social Policy

LW 8010B.04 (Fall or Winter)

Professors B. Berger & A. Smith, Editors-in-Chief

The Journal of Law and Social Policy encourages debate and dialogue on important issues at the intersection of law and society, particularly as they impact low-income individuals and disadvantaged communities. The Journal publishes both peer-reviewed scholarly works (in traditional and non-traditional forms) and shorter "voices and perspectives" contributions. It seeks to encourage submissions from a broad range of contributors participating in, and impacted by, struggles for social justice. Junior editors assist with the production process in a variety of ways. Upon completing two semesters as a junior editor, students are eligible to become senior editors and earn up to 4 credits per year. To be eligible for credit, senior editors are required to participate in a number of activities: the review of submissions; the editing of articles and shorter submissions accepted for publication; correspondence with authors; the recruitment and mentoring of junior editors, and the administration of the journal. Editorial meetings are usually held every other week throughout the fall and winter semesters and senior editors take the lead in facilitating the discussion of submissions. For 2022-23 it is anticipated that editorial and other meetings will be held remotely. Senior editors are also required to prepare a short piece of writing on a topic that is consistent with the mandate of the Journal and approved in advance by the Editors-in-Chief.

Instruction in Computer-assisted Legal Research (Non-Credit)

The Reference Librarians and research assistants offer instruction in computer-assisted legal research at regularly scheduled times (or by appointment) in the On-line Searching Centre. Computer-assisted legal research is a powerful research tool which provides quick, efficient access to law reports, unreported judgments, statutes, and legal periodical indices in Canadian, American, British and Commonwealth databases.

Courses in Other Faculties of York University

Students are allowed to take up to three courses (a maximum of nine credit hours) in other Faculties of the University over their second and third years, subject to the approval of the other Faculty and of the Osgoode Programs & Records Office. The course number designated by the other Faculty will be used by Osgoode. All such courses are considered seminars for enrolment purposes.

Courses will be approved only if the following conditions are met:

- a. The course (or a similar course) was not taken as part of the student's pre-law program;
- b. The courses or seminars are integral to the development of a plan of study.
- c. The course is not being taken for credit towards another degree;
- d. The level of the course is appropriate; i.e. graduate level.

Students who enrol in courses outside the Law School are responsible for meeting the

deadlines established by the Faculty in which the course is offered.

To enrol, Osgoode students must complete the Extra-Disciplinary Course Approval Form found on MyJD and have the form approved by both Faculties concerned. The completed form should then be scanned and uploaded through MyJD link.

For information concerning courses offered through the Faculty of Graduate Studies, please contact the individual departments.

Courses at the University of Toronto: Faculty of Law

Places are offered for up to three Osgoode Hall Law School students in a limited number of prescribed University of Toronto Faculty of Law courses offered through this reciprocal agreement. More detailed information will be included in the July Information Package. These courses are considered seminars for enrolment purposes and the grade will be reported as credit or no-credit.

REGISTRATION STATUS CHANGE

Leave of Absence

Students will not be permitted a leave of absence in the first year of their JD studies except in exceptional circumstances.

After completion of the first year of JD studies, a student may request and receive, on a pro forma basis, one leave of absence of not more than two consecutive semesters. A request outside the scope of the aforementioned may be granted only in the most exceptional circumstances. Written requests, with

documentation, should be submitted to the Assistant Dean, Students.

Letter of Permission

A student who has successfully completed the first year of the JD program may request a letter of permission to study for one semester or one academic year at another law school. Students receiving a letter of permission receive credit toward the completion of the JD degree at Osgoode Hall Law School for work successfully undertaken at the other law school. Approval of the Assistant Dean, Students, is required. Students should submit a written request for a Letter of Permission on MyJD. The student's academic record, reasons for wishing to spend a period of time elsewhere, details about the law school the student proposes to attend and the proposed program of study will all be considered.

Extended Time Program

The Extended Time Program allows students whose life circumstances prevent them from engaging in a full-time program of study to reduce their courses to approximately one-half of the required course load. Reasons for acceptance into this program would include but are not limited to: pregnancy and child birth; family obligations such as child care, care of the elderly, ill or disabled family members; temporary or long-term student illness or disability; and extreme financial hardship. Written requests by current students to participate in the Extended Time Program must be made to the Assistant Dean, Students.

Withdrawal

See information on course changes and on leaves of absence.

SUGGESTIVE SUBJECT-AREA CONCENTRATIONS: 2022-2023

The main purpose of these subject-area concentrations is to provide you with a set of tools to assist you in making informed decisions about your course selections. In order to make such decisions in an effective way, it is helpful to know how the various courses in each subject-area in Osgoode's curriculum relate to each other; which ones are introductory and which can be characterized as second, third, or even fourth level. Unless a particular course or seminar specifies a prerequisite or co-requisite, there is no requirement to pursue the courses in any particular order; however, the subject-area concentrations listed below provide a general sense of the progression you may wish to consider as you plan your upper year curriculum. In preparing these, we have also included several related courses & seminars; e.g. if you are interested in family law, you may wish to consider not only courses or seminars wherein the subject matter is specifically that of the family, but other courses or seminars that are relevant to the practice of family law, such as Trusts, Estates, Business Associations & Dispute Settlement.

Note that:

- Only the courses and seminars on offer for the 2022/2023 academic session are included.
- In general, only mandatory first year courses and available upper year offerings are included; however, those first-year perspective option courses that are open to upper year students have also been included.
- The courses and seminars contained in each subject-area concentration are arranged on 2, 3 or 4 different levels, as

the case may be, and in the sequence in which you may wish to complete them.

- The suggestive subject-area concentrations are listed alphabetically, as are the courses listed within each subject-area level.
- These subject areas are necessarily broad and general, and do not include all possible combinations and concentrations.
- Students should also keep in mind Osgoode's wide range of moots and lawyering competitions, many of which relate to these various subject areas.
- The suggested subject-area concentrations are listed alphabetically, as are the courses listed within each subject-area level.

BUSINESS LAW

Level One:

- Contracts (1L)
- Property (1L)
- Public and Constitutional Law (1L)

Level Two:

- Bankruptcy and Insolvency Law
- Business Associations
- Commercial Law
- Real Estate Transactions
- Securities Regulation

Level Three:

- Beyond Bay Street: Starting up a Small or Solo Practice
- International Business Transactions
- Law and Social Change: The Rise of ESG Expectations in Business
- Legal Values: Commercializing Intellectual Property
- Legal Values: Diversity and the Corporation
- Regulation of Competition
- Taxation of Business Enterprises
- Taxation of Corporate Transactions

- Transnational Corporations and Human Rights
- U.S. Securities Regulation in Comparative Perspective

Level Four:

- Advanced Business Law Workshop I & II
- Advanced Corporate/Commercial Litigation Workshop
- Case Studies in Business Enterprises
- Directed Reading: Osgoode Venture Capital Program
- Investor Protection Clinic
- Joint JD/MBA Seminar (joint program students only)
- Osgoode Business Clinic

CONSTITUTIONAL & ADMINISTRATIVE LAW (see also REGULATORY LAW)

Level One:

- Criminal Law (1L)
- Public & Constitutional Law (1L)
- Rights and Reconciliation (1L)
- Law and Poverty (1L)

Level Two:

- Administrative Law
- Civil Liberties
- Comparative Law: Indigenous Legal Traditions
- Constitutional Litigation
- Criminal Procedure
- Fundamental Justice and the Charter
- Indigenous Peoples and Canadian Law
- Public International Law
- Statutory Interpretation

Level Three:

- Collective Bargaining Law
- Comparative Law: Comparative Constitutionalism
- Disability and the Law

- Immigration Law
- Labour and Employment Law
- Legal Values: Law in the Time of Catastrophe
- Refugee Law
- Regulatory Offences

Level Four:

- Anti-Discrimination Intensive Program
- CLASP Intensive
- Criminal Law Intensive
- Disability Intensive Program
- Intensive Program in Indigenous Lands, Resources and Governments
- Intensive Program in Poverty Law at Parkdale Community Legal Services

CONTRACTS & COMMERCIAL LAW

Level One:

- Contracts (1L)

Level Two:

- Bankruptcy and Insolvency Law
- Business Associations
- Commercial Law
- Contracts II
- Entertainment and Sports Law
- Individual Employment Relationship
- Insurance Law
- Legal Drafting
- Statutory Interpretation

Level Three:

- Case Studies in Business Enterprises
- Computers, Information and the Law
- International Business Transactions
- International Dispute Resolution: Sports Disputes and Arbitration
- Law, State and Society: Derivatives Law and Crypto-Contracts

Level Four:

- Advanced Corporate/Commercial Litigation Workshop
- Investor Protection Clinic
- Legal Values: Theoretical Foundations of Contract Law
- Osgoode Business Clinic

CRIMINAL LAW

Level One:

- Criminal Law (1L)
- Public and Constitutional Law (1L)

Level Two:

- Criminal Procedure
- Evidence

Level Three:

- Administration of Criminal Justice: Justice 360
- Administration of Criminal Justice: Mental Illness
- Administration of Criminal Justice: Wrongful Conviction
- Criminal Law II: Sexual Offences
- Law and Social Change: Policing
- Law, State and Society: Cybercrime
- Legal Values: Advanced Criminal Law (Race and Racism)
- Legal Values: Prison Law
- Law of War
- Regulatory Offences
- Trial Advocacy

Level Four:

- Criminal Law Intensive
- Innocence Project

DISPUTE RESOLUTION, CIVIL LEGAL PROCESS, & PROFESSIONALISM

Level One:

- Dispute Settlement (1L)

- Ethical Lawyering in a Global Community (1L)
- Legal Process I (1L)
- Legal Process II (1L)
- Legal Values: Access to Justice (1L)

Level Two:

- Civil Procedure II
- Evidence
- Intensive Legal Research and Writing
- Legal Drafting
- Legal Ethics
- Mooting: Appellate Advocacy Workshop

Level Three:

- Administration of Civil Justice: Estate Litigation
- Class Actions
- Computers, Information and the Law
- Constitutional Litigation
- International Dispute Resolution: Sports Disputes and Arbitration
- Labour Arbitration (TBD for 22-23)
- Lawyer as Negotiator
- Theory and Practice of Mediation
- Trial Advocacy

Level Four:

- CLASP Intensive
- Litigation, Dispute Resolution & Administration of Justice Colloquium
- Mediation Intensive
- Intensive Program in Poverty Law

ENVIRONMENTAL LAW & NATURAL RESOURCES LAW

Level One:

- Torts (1L)
- Public and Constitutional Law (1L)
- Property Law (1L)

Level Two:

- Environmental Law
- Indigenous Peoples and Canadian Law

- Land Use Planning (alternate years – offered in 2023-2024)
- Municipal Law (alternate years – offered in 2024-2025)

Level Three:

- Animals and the Law
- Climate Change Law (integrated in 2022-23 with ICT Colloquium)
- International Environmental Law
- Law and Social Change: The Rise of ESG Expectations in Business
- Legal Values: Law in the Time of Catastrophe
- Legal Values: Property, Environment and Equality

Level Four:

- Environmental Justice and Sustainability (EJS) Clinical Program
- Intensive Program in Aboriginal Lands, Resources and Government

EQUALITY, SOCIAL JUSTICE, & HUMAN RIGHTS LAW

Level One:

- Public and Constitutional Law (1L)
- Ethical Lawyering in a Global Community (1L)
- Legal Process II (1L)
- Globalization and the Law (1L + 5 upper years)
- Law and Social Change: Critical Race Theory (1L)
- Law and Social Change: Disability, Technology and Law (1L + 5 upper years)
- Law and Social Change: Elder Law (1L)
- Law, Gender, Equality (1L)
- Legal Values: Access to Justice (1L)
- Legal Values: Global Justice and Taxation (1L)

- Rights and Reconciliation (1L)

Level Two:

- Civil Liberties
- Class Actions
- Collective Bargaining Law
- Constitutional Litigation
- Disability and the Law
- Environmental Law
- Family Law I
- Fundamental Justice and the Charter
- Immigration Law
- Indigenous Peoples and Canadian Law
- International Human Rights Law
- Labour and Employment Law
- Legal Ethics
- Refugee Law

Level Three:

- Administration of Criminal Justice: Justice 360
- Administration of Criminal Justice: Mental Illness
- Administration of Criminal Justice: Wrongful Conviction
- Animals and the Law
- Comparative Law: Comparative Constitutionalism
- Law and Religion
- Law and Social Change: Documentary Film as/and Visual Legal Advocacy
- Law and Social Change: The Rise of ESG Expectations in Business
- Law and Social Change: Policing
- Legal Values: Advanced Criminal Law (Race and Racism)
- Legal Values: Diversity and the Corporation
- Legal Values: Prison Law
- Legal Values: Property, Environment and Equality

- Transnational Corporations and Human Rights

Level Four:

- Anti-Discrimination Intensive Program
- CLASP Intensive
- Criminal Law Intensive Program
- Disability Law Intensive Program
- Environmental Justice and Sustainability Clinic (EJSC)
- Feminist Advocacy: Ending Violence Against Women Clinical Program
- Innocence Project
- Intensive Program in Immigration and Refugee Law (alternating years)
- Intensive Program in Indigenous Lands, Resources and Government
- Intensive Program in Poverty Law
- International and Transnational Law Intensive Program

FAMILY LAW

Level One:

- Contracts (1L)
- Criminal Law (1L)
- Dispute Settlement (1L)
- Property Law (1L)
- Legal Values: Wealth, Death and the Lawyer (1L)

Level Two:

- Business Associations
- Conflict of Laws
- Estates
- Family Law I
- Health Law
- Immigration Law
- Lawyer as Negotiator
- Refugee Law
- Taxation Law
- Trusts

Level Three:

- Administration of Justice: Estate Litigation
- Children and the Law: Child Protection
- Feminist Advocacy: Ending Violence Against Women Clinical Program

Level Four:

- CLASP Intensive
- Intensive Program in Poverty Law
- Intensive Program in Indigenous Lands, Resources and Government
- Litigation, Dispute Resolution & Administration of Justice Colloquium
- Mediation Intensive

INDIGENOUS & ABORIGINAL LAW**Level One:**

- Property Law (1L)
- Public & Constitutional Law (1L)
- Rights and Reconciliation: Indigenous Peoples and the Law (Year 1)

Level Two:

- Indigenous Peoples and Canadian Law

Level Three:

- Animals and the Law
- Comparative Law: Indigenous Legal Traditions
- Environmental Law
- Indigenous Perspectives and Realities
- International Human Rights Law

Level Four:

- Intensive Program in Indigenous Lands, Resources and Governments

HEALTH LAW**Level One:**

- Torts (1L)
- Public and Constitutional Law (1L)

- Law and Social Change: Disability, Technology and Law (1L)
- Law and Social Change: Elder Law (1L)

Level Two:

- Health Law

Level Three:

- Administration of Criminal Justice: Mental Illness
- Disability and the Law
- Environmental Law
- Patents

Level Four:

- Disability Intensive Program

INTELLECTUAL PROPERTY LAW**Level One:**

- Legal Values: History and Theories of Intellectual Property (1L)
- Property (1L)

Level Two:

- Copyright
- Patents
- Trademarks

Level Three:

- Emerging Technologies: Law, Policy and Governance
- Entertainment and Sports Law
- Legal Values: Commercializing Intellectual Property
- Legal Values: Copyright Policy in the Making

Level Four:

- Directed Reading: IP Innovation Program
- Intellectual Property and Technology Intensive Program

INTERNATIONAL, COMPARATIVE, & TRANSNATIONAL LAW

Level One:

- Ethical Lawyering in a Global Community (1L)
- Globalization and the Law (1L + 5 upper years)
- Public International Law
- Conflict of Laws
- Legal Values: Global Justice and International Taxation (1L)
- Legal Values: Social Media and Terrorism (1L)
- **Level Two:**
- Chinese Law: China, Canada and the Practice of Law in the 21st Century
- Climate Change Law
- Comparative Law: Comparative Constitutions
- Comparative Law: Indigenous Legal Traditions
- Comparative Law: International and Comparative Labour Law
- Comparative Law: Privacy and Access to Information (1L + 5 upper years)
- Emerging Technologies: Law, Policy and Governance
- Governance of the International Financial System
- Immigration Law
- Indigenous Peoples and Canadian Law
- Indigenous Perspectives and Realities
- International Business Transactions
- International Dispute Resolution: Sports Disputes and Arbitration
- International Environmental Law
- International Human Rights Law
- International Taxation
- International Trade Regulation
- Labour & Employment Law Colloquium

- Law & Social Change: The Rise of ESG Expectations in Business
- Law of War
- Law, Society & State: Cybercrime
- Law, Society & State: Derivatives Law and Cryptocurrencies
- Legal Values: Law in the Time of Catastrophe
- Refugee Law
- Transnational Corporations and Human Rights
- U.S. Securities Regulation in Comparative Perspective

Level Three:

- Exchange Programs with Foreign Universities (LLM courses in international, comparative and transnational law)

Level Four:

- ICT Colloquium (ICT stream students only; in 22-23, integrated with Climate Change Law)
- Intensive Program in Indigenous Lands, Resources and Governments
- International and Transnational Law Intensive Program
- Immigration & Refugee Law Intensive Program
- Immigration Division of Parkdale Community Legal Services Intensive Program

LABOUR & EMPLOYMENT LAW

Level One:

- Property Law (1L)
- Public & Constitutional Law (1L)
- Contracts (1L)

Level Two:

- Collective Bargaining Law
- Immigration Law

- Individual Employment Relationship
- Labour and Employment Law

Level Three:

- Comparative Law: International and Comparative Labour Law
- Labour Arbitration

Level Four:

- Labour and Employment Law and Policy Colloquium
- Intensive Program in Poverty Law (Workers' Rights Division)

LEGAL THEORY

Level One:

- Legal Theory Seminar (1L)
- Legal Values: 1957 and All That – The Politics of Legal Theory (1L)
- Legal Values: History and Theories of Intellectual Property (1L)
- Law, Gender, Equality (1L)

Level Two:

- Jurisprudence

Level Three:

- Comparative Law: Indigenous Legal Traditions
- Legal Values: Law and Literature
- Legal Values: Property, Environment and Equality

Level Four:

- Directed Reading: Legal History Workshop

PROPERTY LAW (see also "INTELLECTUAL PROPERTY")

Level One:

- Property Law (1L)
- Legal Values: Wealth, Death and the Lawyer (1L)

Level Two:

- Estates

- Real Estate Transactions
- Trusts

Level Three:

- Municipal Law (alternate years – offered in 2024-2025)
- Land Use Planning (alternate years – offered in 2023-2024)

Level Four:

- Administration of Civil Justice: Estate Litigation
- Land Development & Commercial Real Estate Problems
- Legal Values: Property, Environment and Equality

REGULATORY LAW

Level One:

- Public & Constitutional Law (1L)
- Comparative Law: Privacy and Access to Information (1L + 5 upper years)
- Globalization and the Law (1L + 5 upper years)
- Legal Values: Global Justice and International Taxation (1L)

Level Two:

- Administrative Law

Level Three:

- Bankruptcy and Insolvency
- Collective Bargaining Law
- Conflict of Laws
- Disability and the Law
- Environmental Law
- Health Law
- Immigration
- Insurance Law
- Labour and Employment Law
- Land Use Planning (alternate years – offered in 2023-2024)
- Municipal Law (Alternate years – offered in 2024-2025)

- Public International Law
- Refugee Law
- Regulation of Competition
- Regulatory Offences
- Securities Regulation

Level Four:

- Animals and the Law
- Climate Change Law (integrated in 2022-23 with ICT Colloquium)
- Comparative Law: International and Comparative Labour Law
- Comparative Law: Privacy and Access to Information
- Emerging Technologies: Law, Policy and Governance
- Governance of the International Financial System
- International Environmental Law
- International Trade Regulation
- Land Development & Commercial Real Estate Problems
- Law and Social Change: The Rise of ESG Expectations in Business
- Law, State and Society: Derivatives Law and Crypto-Contracts
- Legal Values: Copyright Policy in the Making
- Legal Values: Prison Law
- Legal Values: Regulation of the Canadian Cannabis Industry
- Transnational Corporations and Human Rights
- U.S. Securities Regulation in Comparative Perspective

TAXATION LAW

Level One:

- Tax as Instrument of Social and Economic Policy (1L)

- Legal Values: Wealth, Death and the Lawyer (1L)
- Legal Values: Global Justice and Taxation (1L)

Level Two:

- Taxation Law

Level Three:

- Consumption Taxes in Canada
- International Taxation
- Taxation of Business Enterprises
- Taxation of Corporate Transactions

Level Four:

- Tax Law and Policy Colloquium

TECHNOLOGY & THE LAW (see also “INTELLECTUAL PROPERTY LAW”)

Level One:

- Comparative Law: Privacy and Access to Information (1L + 5 upper years)
- Law and Social Change: Disability, Technology and Law (1L + 5 upper years))
- Legal Values: Social Media and Terrorism (1L)

Level Two:

- Computers, Information and the Law
- Copyright
- Emerging Technologies: Law, Policy and Governance
- Patents

Level Three:

- Law and Social Change: Documentary Film as/and Visual Legal Advocacy
- Law, State and Society: Cybercrime
- Law, State and Society: Derivatives Law and Crypto-Contracts
- Legal Values: Copyright Policy in the Making
- Legal Values: Current Issues in Law and Technology

Level Four:

- Directed Reading: IP Innovation Program
- Directed Reading: Venture Capital Clinic
- Intellectual Property and Technology Intensive Program
- Labour and Employment Law and Policy Colloquium

TORT, RESTITUTION, & PRIVATE LAW (other than “PROPERTY” and “CONTRACTS”)**Level One:**

- Torts (1L)

Level Two:

- Insurance Law
- Trusts

Level Three:

- Restitution
- Advanced Torts

CURRICULAR STREAMS

The curricular streams provide students with the opportunity to concentrate their studies in a particular subject area of the curriculum. This year, curricular streams are being offered in the following four subject areas:

- International, Comparative and Transnational Law
- Litigation, Dispute Resolution and the Administration of Justice
- Tax Law
- Labour and Employment Law

It is not imagined that all, or even most, students will elect to enrol in one of the streams being offered this year. All students, whether enrolled in a stream or not, will have equal access to all courses offered in the upper-

year curriculum. However, those students with a particular interest in one of the subject areas covered by the offered streams may wish to consider enrolling.

Osgoode Hall Law School has a rich, diverse and fully elective upper-year curriculum. Within this curriculum, students are generally able to plan a course of study that enables them to pursue their special interests, that is consistent with their individual learning styles, and that ensures they obtain an excellent and comprehensive legal education. The purpose of organizing some of the upper-year courses into streams is to provide more structure to aspects of the upper year curriculum and to allow certain curriculum goals to be pursued more systematically. By providing an organized sequence of courses in particular subject areas, the curricular streams will challenge students to undertake truly advanced work on difficult and complex legal problems. This will enable students to build cumulatively on the skills and knowledge they have acquired in other law school courses, to develop sufficient expertise in the subject area so that they can confidently challenge underlying concepts and assumptions, and to collaborate intellectually in the subject area with scholars, public policy analysts and practitioners. Another purpose of the curricular streams is to ensure that within a coherent course of studies, students are exposed to the significant theories, principles, conceptual frameworks and tools of policy analysis needed for the serious study of the law and to the full range of important lawyering skills such as problem solving, legal analysis and reasoning, legal research, factual investigation, communication skills, and recognizing and resolving problems of professional responsibility. Also, a capstone course in each curricular stream will enable students to engage

in a major exercise of research and writing that will consolidate, deepen and enrich their understanding of the law.

Students who elect to enter into one of the curricular streams should follow the requirements for the stream as set out in the Syllabus. The course of study of those students who elect to enroll in a curricular stream will be reviewed by the faculty member who is designated as the convenor of the relevant curricular stream. Students can elect to enter into a stream at any time (so long as they can fulfill the basic requirements). However, they are encouraged to elect into the stream on the earliest possible occasion. The convenor of each stream will organize a meeting of all students who have elected into the stream at the beginning of the Fall term to discuss curriculum matters related to the stream, answer questions about the particular curriculum stream, and receive student suggestions and comments. Students who successfully complete the requirements of a stream will have this indicated on their transcript.

The faculty convenor of each program stream is responsible for administering the regulations governing the stream and has broad discretion to grant partial credits for courses not designated as program courses, to allow credits for courses taken as part of an exchange or letter-of-permission visit to another institution, to permit a course to be taken out of the normal sequence, and to recommend to the Assistant Dean, Students that a student be allowed to take more than two seminars in a semester.

A brief description of the programs and requirements follows. For more details see the [Curricular Streams](#) page on the Osgoode Hall Law School website.

International, Comparative and Transnational Law Program (“ICT Program”)

Convenor: Professor S. Bandopadhyay

Scene-setting:

The world is changing rapidly and, with it, the nature of both the governance and the practice of law. For almost two decades, Osgoode has been a leader in ‘globalizing’ and ‘transnationalizing’ its curriculum in response to these changes.

The JD benefits from a wide range of curriculum offerings available to all students, starting with a number of the Perspective Options seminar in first year and the mandatory Ethical Lawyering in a Global Community course. The ICT Program (also known as ICT Stream) offers a program specialization through a series of linked curricular offerings. Osgoode was the first law school to offer a Globalization and the Law course in its first-year curriculum; it is now the mandatory foundations course for ICT Program students while also open as a Perspectives Option to all first-year students. In the upper year curriculum, there are many courses that are taught in the international, comparative and transnational fields in any given year at Osgoode, both by full-time faculty and by visitors. At least two-thirds of Osgoode’s full-time faculty members regularly research and write on aspects of international, comparative and/or transnational law. More generally, many opportunities have been developed or expanded, including (just to name a few):

- the International and Transnational Law Intensive Program (ITLIP);
- the joint common law / civil law degree with the Université de Montréal;

- study-abroad exchange opportunities, with a choice of exchanges at a multitude of different foreign law faculties at which Osgoode students can often take LLM courses in international, transnational or comparative law;
- summer programs, such as those in Italy and Malaysia in partnership with Monash University;
- ICT law experiential opportunities with partners inside and outside Canada, such as Osgoode-funded summer fellowships with international non-governmental or intergovernmental organizations, placements in intensive programs (e.g.: not only ITLIP but also, for example, Indigenous Lands, Resources and Governments), mootings on ICT topics (such as the Jessup International Law, Vis International Arbitration, and International Criminal Court moots), the post-graduation Teach-in-China Program;
- events organized by the Nathanson Centre on Transnational Human Rights, Law and Security, including seminar series, and a host of annual global affairs lectures (such as the Genest lectures and the Or' Emet) put on by Osgoode as a whole.
- in the first year, enroll in Globalization and the Law as their Perspective Option;*
- in second year, take two of three ICT pillar courses: Public International Law, Conflict of Laws (also known as Private International Law), and/or Comparative Law;
- in second term of third year, take the ICT Program's capstone course, the ICT Colloquium (or, exceptionally, take it in second year at the discretion of the ICT Convenor, if a student has [a] already taken two pillar courses in first term of second year along with at least one ICT-designated optional course and [b] intends to apply for the International and Transnational Law Intensive Program for second term of their third year); and
- over the course of the two upper years, complete 13 further ICT-designated course credits ("optional" credits).**

* Exceptionally, Globalization and the Law can be taken in second year as there are five upper-year spots. However, to be part of qualifying for the ICT Program, it cannot normally be taken out of sequence with the pillar courses. This would mean that a student would need to take Globalization and the Law in second term of second year and two of Public International Law, Conflict of Laws, or Comparative Law in third year – ideally both in fall term and, in any case, at least one in fall term – and then the ICT Colloquium in second term of third year. It can be seen that this is complicated such that, generally speaking, any student contemplating the ICT Program should assume they must ballot for Globalization and the Law as their first-year Perspective Option.

Students participating in Osgoode's ICT Program benefit from a unique opportunity to learn with a top-flight faculty in a field of knowledge that opens up a world of career opportunities beyond Canada's borders and, more generally, that promotes the kind of creative thinking that give ICT Program graduates an edge in representing their clients and in working outside the standard localized practice of law.

ICT Program Overview:

Students registered in the ICT Program must complete the following requirements over the course of the JD program:

** In 2022-23, the ICT Colloquium will be integrated with the Climate Change Law seminar in winter term.

Within the 13 optional credits, students must satisfy each of the following two requirements:

- pursue at least one “experiential” activity that has a predominant ICT dimension, up to a maximum of 10 of the 13 ICT credits; and
- do research work (e.g. as a seminar paper) worth at least 3 credits of the 13 credits in an ICT course or on an ICT subject in a non-ICT course (see below on “ICT bridging”)

Students who satisfy all ICT Program requirements will receive a notation of completion of the program on their JD transcript, and will also receive a letter from the Dean and Convenor confirming graduation with the ICT Program specialization.

Optional Credit Courses for 2022-23:

The following is a list of upper-year courses that the law school has tentatively listed as on offer in 2022-23, each of which the ICT Convenor has determined satisfies the ICT Program parameters to count for ICT optional credits. Note that the list may not be exhaustive – a course may have inadvertently been missed – and that courses may be added; where a course is not on the list but seems to be “ICT” in nature, contact the ICT Convenor to see if s/he will count it. Finally, note that, as Globalization and the Law is assumed as the Perspective Option that ICT Program students will take, any course in this list that is first-year Perspective Options is only relevant in terms of counting if it is also open to upper years.

- Chinese Law: China, Canada and the Practice of Law in the 21st Century (1L + 5 upper years)
- Climate Change Law
- Comparative Law: Comparative Constitutions
- Comparative Law: Indigenous Legal Traditions
- Comparative Law: International and Comparative Labour Law
- Comparative Law: Privacy and Access to Information (1L + 5 upper years)
- Conflict of Laws
- Emerging Technologies: Law, Policy and Governance
- Governance of the International Financial System
- Immigration and Refugee Law Intensive Program
- Immigration Division of Parkdale Community Legal Services Intensive Program
- Immigration Law
- Indigenous Peoples and Canadian Law
- Indigenous Perspectives and Realities
- Intensive Program in Indigenous Lands, Resources and Governments
- International and Transnational Law Intensive Program
- International Business Transactions
- International Dispute Resolution: Sports Disputes and Arbitration
- International Environmental Law
- International Human Rights Law
- International Taxation
- International Trade Regulation
- Labour and Employment Law and Policy Colloquium [Internet platform law and transnational labour law will be one focus]

- Law and Social Change: The Rise of ESG Expectations in Business
- Law of War
- Law, State and Society: Cybercrime
- Law, State and Society: Derivatives Law and Crypto-Contracts
- Legal Values: Law in the Time of Catastrophe
- Public International Law
- Refugee Law
- Transnational Corporations and Human Rights
- U.S. Securities Regulation in Comparative Perspective

Note that Public International Law and Conflict of Laws are on the list even though they are pillar courses. This is because, should Comparative Law be offered in a future year, and a student takes all three of these courses by the end of their degree, then one of them can be designated as satisfying optional credits.

Further Rules and Considerations:

Please note the following aspects of the ICT Program (some of which simply illustrate general rules stated above):

Discretion of the ICT Convenor

The ICT Convenor, in consultation with the Assistant Dean, Students and/or the Associate Dean (Students) has authority to modify the rules stated above as appears necessary to her/him to facilitate a student’s participation in the ICT Program, while maintaining the integrity of the Program. For example, the ICT Colloquium may be taken in second term of second year on the two conditions noted above. By way of further examples, the Convenor may, and generally will, allow for a student to do one of the pillar courses in third year instead of in second year or allow for post-graduation

participation in the Teach-in-China Program to count as an ICT “experiential” opportunity.

Globalization and the Law

Presumptive registration for ICT Program:

When a student enrolls in Globalization and the Law as a first-year Perspective Option, that will be taken as a presumptive intention to pursue the ICT Program. This presumption is for purposes of the law school administration and ICT Convenor keeping track of students who are eligible to graduate with an ICT Program distinction. To be clear, taking Globalization and the Law does not bind a student to pursue the ICT Program.

Outside of first year: Generally speaking, it is assumed that a student interested in the ICT Program will have made that determination by the time of balloting for Perspective Options and, in that way, to have picked Globalization and the Law as their Perspective Option. Globalization and the Law can, exceptionally, be taken in second year: see details above. However, this is at the discretion of the ICT Convenor and the main reason for exercising the discretion would be a demonstration that the student balloted for Globalization and the Law as their first choice in first year and but did not get into the class (due to capping of numbers).

Bridging

The range of courses considered to be ICT courses for purposes of the optional credits is broad. For example, most courses in aboriginal and indigenous law would qualify. It is also possible to build “ICT bridges” between the ICT Program and courses not designated as ICT courses. This bridging is achieved through the student receiving partial (or even full) credit for research papers or other written work done in ‘non-ICT’ courses where the content is

significantly ICT in nature. For example, a 50% paper on multi-jurisdictional bankruptcy litigation in a four-credit Bankruptcy course would count for two ICT credits or a 100% paper on international law theory in a three-credit Jurisprudence class would count for three credits. Such counting of ICT work in non-ICT courses must be specifically approved by the ICT Convenor.

Experiential

The “experiential” requirement must be predominantly of an ICT nature. It can overlap with receiving Osgoode credits (e.g. Jessup Moot, ITLIP placement, exchange at a law program outside Canada or outside the common law, etc.) or it can be separate from credits (e.g. a summer internship, notably through International Legal Partnerships). In general, experiential education includes (but is not limited to) these opportunities listed by Osgoode, as long as they have the requisite ICT dimension.

If you plan to use OPIR and/or PBSC experience to satisfy the ICT Program experiential requirement, you must ensure that a meaningful amount of time is spent. Generally, you should not have devoted less than 60 hours over the three years (i.e. 1.5 times the OPIR requirement) to ICT-related experience.

Legal Theory

Because of the theoretical challenges presented by evolution of the fields of “international”, “comparative” and “transnational” law, students are asked to give special consideration to taking an upper-year legal theory course and doing their paper as a bridging paper (see “Bridging”, above) on an ICT theme.

Option to take Third Pillar Course and Caveat on Comparative Law Availability

Students may take all three pillar courses, counting the third towards the 13-credit requirement for optional ICT courses.

Note that the Comparative Law course is frequently not offered, such that, in practice, graduation from the ICT Program requires taking Public International Law and Conflict of Laws. Note, further, that courses that begin “Comparative Law:...” are specialized courses that can count for the 13 optional questions but cannot be substituted for a general Comparative Law course.

Courses elsewhere at York

Courses with ICT content in other faculties at York are eligible to be accorded ICT credits. For example, a student who takes a York graduate course in, for example, Colonial Literature (English Department) or Nuclear Deterrence Policy (Political Science Department) can bring that course selection to the ICT Convenor for approval as an ICT course. This would also apply, for example, to international business courses taken as part of the joint JD/MBA. (Note that, by Osgoode’s general rules, students are permitted to take up to nine upper-year credits elsewhere at York, subject to approval by the Law School.)

Courses taken on Exchange

Any of the pillar courses can be taken on exchange, subject to the ICT Convenor confirming sufficient similarity between the course at the exchange law school and the general subject-matter of the relevant pillar course. Students must take the initiative to contact the ICT Convenor well in advance of

course selection period in order to have the ICT Convenor make the determination of whether a course already taken (or that the student will be taking) on exchange can substitute for a given pillar course. Equally, any or all of the 13 optional ICT credits may be satisfied by ICT-related courses taken on exchange, again subject to ICT Convenor approval.

10-credit Ceiling

As a general principle, no more than 10 ICT optional credits may be accorded for any given course or program. Thus, the Intensive programs like Immigration and Refugee Law; Indigenous Lands, Resources & Governments; International and Transnational Law (ITLIP); and Parkdale – Immigration, have their ICT credits capped at 10. The same principle applies where a student has constructed an individualized Directed Research Program.

Research & Writing Requirements – Osgoode and ITLIP

As well as a number of the ICT optional courses and seminars, the ICT Colloquium paper will satisfy Osgoode’s major-paper upper-year research and writing requirement.

As for the ICT Program 3-credit research-work requirement, this must be satisfied within the 13 optional credits, such that papers done in the foundations course, the pillar course, and/or the capstone course do not count towards it. Note further that research-paper work must itself total 3 credits, such that, in a 3-credit seminar, if you do a 100% paper, then that counts towards all 3 ITLIP research-work credits, but, if you do a paper worth 70%, that counts for only 2 credits – and you will still need to find at least 1 credit of research work in another of the optional-credit courses.

Records and Communications

Students interested in the ICT Stream/Program, or students pursuing the program and seeking confirmation of their eligibility, should communicate by email with the Convenor, always using “ICT Stream” or “ICT Program” as part of the email subject heading. Students are asked to save emails and responses from the Convenor as a record, as this can make it easier at the end students’ final years for the Convenor to confirm with Student Services that a student has met all ICT Program requirements – including in instances where the Convenor has exercised discretion to substitute a course and a reminder is needed that this occurred.

On MyOsgoode, ICT Program students can download a form called “ICT Stream – Elements Completion Form – for Student Record Keeping.” That form should be used to record the completion of program elements as they occur; the form is then to be submitted in the final term of the final year (after the drop-add period has ended) to the ICT Convenor, following the instructions in the form.

Labour and Employment Law Program (“LELP Program”)

Convenor – Professor V. De Stefano

The LELP builds on Osgoode’s historic and present strength in labour and employment law and reflects the rich curriculum of labour and labour-related courses that is currently available to students. It also draws upon expert adjunct faculty members who bring a wide variety of experiences. As with other streams, the goal of the LELP is to provide interested students the opportunity to acquire an advanced knowledge and understanding of labour and employment through a structured sequence of courses and seminars. More specifically, the LELP provides students with an

opportunity to gain a deep substantive knowledge of labour and employment law, including the individual contract of employment, collective bargaining and minimum standards. Additionally, it will provide students with skills in legal reasoning, statutory interpretation, and policy analysis. Interdisciplinary approaches will be emphasized and students completing the program are required to write a substantial research paper. Finally, an experiential component is required, which will provide an opportunity to incorporate considerations of professional responsibility and legal ethics.

Students registered in the LELP must complete the following requirements over the course of the JD program:

- a) Two of the following courses: Labour and Employment Law, Collective Bargaining Law and Individual Employment Relationship.
- b) Two of the following seminars: Labour Arbitration, Occupational Health and Safety Regulation, Comparative and International Labour Law, Advanced Labour Law, or another seminar approved by the Convenor.
- c) The LELP capstone course: Labour and Employment Law and Policy Colloquium.
- d) An experiential component that can be satisfied by participation in the Ministry of Labour Summer Coop Program; a semester in the Parkdale Community Legal Services workers' rights division; 40 hours of volunteer work that is labour and employment law related (e.g. work at Toronto Workers' Health and Safety Legal Clinic); or other arrangement approved by the Convenor.
- e) Two labour and employment-related courses, including Administrative Law,

Immigration Law, Evidence, Entertainment and Sports Law, Lawyer as Negotiator, Disability and the Law, Globalization and the Law, Constitutional Litigation, or other course approved by the Convenor.

- f) Overall, a minimum of 23 academic credits in the LELP and related courses, in accordance with the above requirements.

Program in Litigation, Dispute Resolution and the Administration of Justice ("LDA Program")

Convenor – Professor J. Walker

With the LDA Program, Osgoode continues its tradition of pioneering innovative programs that combine scholarly inquiry with experiential learning in the practice of law, and that join critical legal education with clinical legal education. The LDA Program builds on this tradition and on the faculty strengths in this area in this curricular stream, which focuses on five key elements of learning: the law of evidence, alternative dispute resolution, witness examination, written advocacy, and doctrinal and critical study of dispute resolution and the justice system. The Program begins with the foundational knowledge and skills that students acquire in the first year Legal Process I and II courses, and it goes on to ensure that each graduating student has benefited from the basic learning necessary to thrive in a career in dispute resolution. In addition, the program extends beyond private law litigation and dispute resolution to public law dispute resolution, including advocacy in the criminal law and administrative law contexts; and it extends to related subjects in the fields of professional responsibility and the operation of the justice system.

To receive the LDA accreditation, students must:

- take the course in Evidence (3 or 4 credits);
- take one course that includes substantial instruction in alternative dispute resolution including: Dispute Settlement (3), Labour Arbitration (3), Lawyer as Negotiator (4), Theory & Practice of Mediation (4), Mediation Clinical and Intensive Program (9);
- take one course that includes substantial instruction in either witness examination or written advocacy, including: Trial Advocacy (4), Constitutional Litigation (3), International Dispute Resolution (3); Labour Arbitration (3), Legal Drafting (3), Mooting (3), Innocence Project (4), Community and Legal Aid Services Program (3)
- take one course that includes substantial doctrinal or critical study in a subject related to Litigation, Dispute Resolution and the Administration of Justice including: Administration of Civil Justice (3), Administration of Criminal Justice (3), Civil Procedure II (3), Conflict of Laws (4), Criminal Law II (3), Criminal Procedure (4), International Dispute Resolution (3), Environmental Advocacy (3), International Courts and Tribunals (4), Legal Ethics (3),
- take the LDA Colloquium (3); and
- complete a minimum of 25 academic credits in LDA Program courses in total, including those courses taken in accordance with the requirements in the above paragraphs.

Upon request, the Convenor may consider other courses as fulfilling the requirements of the Stream.

Tax Law Program ("Tax Program")

Convenor – Professor J. Li

The Tax Law Program reflects a special strength of Osgoode. The tax and related curriculum is rich and diverse. Three full-time faculty members and a distinguished Professor of Practice devote their energies primarily to teaching and researching tax law and related public policy issues. The program also draws upon expert adjunct faculty members with a wide variety of experiences. The development of skills in statutory interpretation and analysis, critical thinking, problem-solving, communicating, analyzing public policy, resolving professional ethical problems, and planning will be emphasized throughout the program. Students in the past found the tax courses “very practical” as well in terms of teaching “real life” skills, such as critical thinking, writing client memorandum, advocacy, and team-work. Therefore, the Tax Program should be of interest not only to students who might be considering a career relating to the practice of tax law but also generally to those interested in developing these skills in the context of tax law.

Students registered in the Tax Program must earn a minimum of 23 academic credits in Tax Program courses and complete the following requirements over the course of the JD program.

- a) LW 3370.03 (Tax Lawyering)
- b) LW 2080.04 (Tax Law)
- c) LW 4100.04 (Taxation of Business Enterprises)
- d) Three credits from either LW 3006.03 (Tax Law as an Instrument of Economic & Social Policy), LW 5220.03 (Taxation Policy)
- e) A minimum of ten additional credits from the following courses:

Note: Courses used to satisfy one of the requirements listed in a, b, d, or d cannot be used to satisfy this requirement.

- i.) LW 5210.03 (Taxation of Corporate Transactions)
- ii.) LW 5110.03 (Estate Planning)
- iii.) LW 3006.03 (Tax Law as an Instrument of Economic & Social Policy)
- iv.) LW 4150.40 (International Tax)
- v.) LW 5220.03 (Taxation Policy)
- vi.) LW 6022.02 and LW 6020.03 (Appellate Advocacy Workshop and a Tax Law moot)
- vii.) Tax Colloquium.
- viii.) Trusts (taught by Prof. Adam Parachin) (worth 1 tax credit)
- ix.) Any Tax course or seminar offered in the JD program that is not listed above deemed suitable for credit by the Tax Stream Convenor and the Assistant Dean, Students.

In addition, a student can take an independent research paper option to earn tax credits.

CLINICAL AND INTENSIVE PROGRAMS

Advanced Business Law Workshop I

Corporate Finance (LW 7180.05)

Directors: C. Pennycook & R. Murphy, Adjunct Professors

The Advanced Corporate Finance Workshop draws together various aspects of corporate and securities law involving corporate finance transactions. Through an interactive workshop format, students will gain insights into the practical aspects of structuring, negotiating and executing bank financings and transactions in the capital markets. Both in-class exercises and assignments will emphasize practice skills and strategic considerations. Students will also

develop insight into the broader theoretical and ethical considerations that confront a business lawyer. The workshop is conducted by Carol Pennycook, Rob Murphy and other partners at Davies Ward Phillips & Vineberg LLP.

Topics will include equity and debt offerings in the capital markets, bank financings, public-private partnerships (P3s), the roles of rating agencies and investment dealers in corporate finance, and insolvency and restructuring. Seminars include classroom lectures, guest lectures, student-led presentations and problem-solving exercises. Evaluation will be in the form of three assignments, one of which will be a group assignment involving the negotiation and drafting of a loan agreement, and class participation. The workshop has no major research paper or exam.

ABLW I – Corporate Finance accepts 16 students who will receive five credits over one semester. Business Associations and Securities Regulation are pre-requisites or may be taken concurrently. The workshop will involve one three-hour session per week in person at Davies’ offices in downtown Toronto.

Demonstrated academic performance based on law school grades to date will be an important selection factor.

Students may apply to take one or both Advanced Business Law Workshops. ABLW I - Corporate Finance will be offered in September 2022. ABLW II - Mergers & Acquisitions will be offered in January 2023.

Advanced Business Law Workshop II

Mergers & Acquisitions (LW 7190.05)

Directors: P. Olasker & A. Atkinson, Adjunct Professors

Pre-requisite Courses: Business Associations and Securities Regulation. Securities Regulation may be taken concurrently with special permission. Students may apply to take one or both Advanced Business Law Workshops; neither course is a pre-requisite for the other. ABLW I - Corporate Finance will be offered in September 2021. ABLW II - Mergers & Acquisitions will be offered in January 2022. Taxation Law would be helpful, but not essential.

Description of Workshop: The Advanced Mergers & Acquisitions Workshop draws together various aspects of securities and corporate law under the broad title of “M&A” and applies that knowledge to analyzing typical problems that confront a business lawyer involved in M&A transactions. It is also intended that students will develop practical skills, including the negotiation and presentation skills necessary for a business lawyer. The workshop is conducted by Patricia Olasker, Aaron Atkinson and other lawyers at Davies Ward Phillips & Vineberg LLP.

The workshop will focus on public company M&A and will examine friendly and hostile take-over bids; defences; corporate reorganizations; going private and related party transactions; shareholder activism; and related aspects of tax, competition law, corporate governance and cross-border transactions. Seminars include classroom lectures and discussion, guest lectures, student-led presentations, problem-solving exercises and games.

The workshop will involve one three-hour session per week at the offices of Davies Ward Phillips & Vineberg LLP and one weekend day in mid-March.

Note: This seminar may be prioritized for mandatory in-person instruction in the event that such instruction is consistent with the University’s facilitation of public health directives. Any such in-person instruction would take place at the regularly scheduled time of the seminar. If you enroll in the seminar and plan to attend in-person, you should ensure a sufficient period of time before and after the seminar to travel home (or to another location) where you can engage in remote instruction for any other course or seminar in which you enroll.

Evaluation: Evaluation will be based on three assignments, including the preparation of a memorandum advising a client with respect to various issues which may arise in an M&A transaction and a group assignment involving the drafting and negotiation of a term sheet for an M&A transaction, as well as class participation. Given the workshop nature of this course, attendance is critical. The workshop has no major research paper or exam.

Credits: Students will receive five credits over one semester. ABLW II satisfies the Praxicum requirement.

Selection Criteria: ABLW II accepts 16 students. Demonstrated academic performance based on law school grades to date will be an important selection factor.

Anti-Discrimination Intensive Program

(LW 7900.10, 7910.02, 7920.03)

Director: Professor B. Ryder

The Anti-Discrimination Intensive Program consists of a placement at the Human Rights Legal Support Centre, an academic seminar, and a research paper. The Centre provides legal support to applicants who are seeking remedies

from the Human Rights Tribunal of Ontario for violations of the Code. Students contribute to promoting access to justice by enhancing the ability of the Centre to provide legal services to those who have experienced discrimination across the province. Students develop specialized knowledge of anti-discrimination and administrative law, and hone skills in client counselling, dispute resolution and litigation.

During their placements (in either the Fall or Winter semester), students work Monday through Friday (except on alternate Fridays when the seminar meets) at the Centre in downtown Toronto. Students participate in the Centre's public inquiries service and are responsible for conducting detailed legal interviews on files that are referred from intake. In addition, students draft legal documents, conduct mediation, and assist lawyers preparing for hearings.

Seminar meetings for all students in the Program are held on alternate Fridays commencing in September and continuing until April. Skills training sessions for all students are likewise held on alternate Fridays throughout the academic year. In the seminar, students develop perspectives from which to understand, critically assess and think constructively about prohibitions on discrimination and their impact on society, and the challenges of ensuring access to remedies for violations of fundamental rights experienced by disadvantaged communities. Students complete a research paper under the supervision of the Academic Director: which reflects their learning in the seminar and their experience in the placement.

Requirements

The 15-credit program is open to 6 students per term. Students receive a letter grade for the

seminar (2 credits) and for their research papers (3 credits). The research paper must be 7,000 words in length and thus qualifies for the upper year writing requirement. Students' work during the placement at the Centre is graded on a credit / no credit basis (10 credits). A written evaluation of each student's work during the placement is prepared by the Academic Director: in conjunction with the Centre's ADIP Coordinator and the student's lawyer mentor. The written evaluation becomes part of the student's transcript.

There are no required prerequisite courses. Administrative Law, Critical Race Theory, Discrimination and the Law, Disability and the Law, Indigenous Peoples, Individual Employment Relationship, Labour and Employment Law, Labour Arbitration, Law Gender Equality, Dispute Settlement, Lawyer as Negotiator and Theory and Practice of Mediation are recommended courses that students are encouraged to take prior to starting their placements.

The Anti-Discrimination Intensive satisfies the Practicum requirement and qualifies for the Upper Year Research and Writing Requirement.

Community Legal Aid and Services Program

LW 8000.03 (Seminar) & 8004.04 (Fall), LW 8001.03 (Research Paper) & 8005.05 (Winter)
Suzanne Johnson/Scarlet Smith, Clinic Director; Subodh Bharati, Review Counsel; Ben Shakinovsky, Community Outreach Review Counsel; Steven Yu, Review Counsel; Nandhini Padmanathan, Review Counsel; M. MacGregor, Adjunct Professor

The Community and Legal Aid Services Program (CLASP) is a clinical intensive program that provides a combination of individual advocacy,

community development (with an emphasis on the Jane-Finch community), and law reform to low-income individuals and families. Law students will be able to bring alternative lawyering skills and a social justice perspective to their future work. To further this goal, CLASP prioritizes service to four disadvantaged communities that have been historically denied meaningful access to the legal system: persons living with mental health barriers, youth, female survivors of domestic violence, and members of the Jane-Finch community. CLASP's individual representation work is directed to low-income persons, including York University students not eligible for a legal aid certificate.

At CLASP we recognize that the social determinants of health have a significant impact on people living in poverty. While individuals may seek out CLASP for legal services, we also recognize that for many of our clients there are other issues, often non-legal, that they require assistance in resolving. CLASP has committed to providing holistic services to our clients.

CLASP emphasizes the practice of law as a partnership with the community. As such, it works with community groups on legal issues and proactive community development campaigns, many of which force students to challenge their perceptions of lawyers' roles in society, the nature of effective lawyering, and the place of the law and the justice system in society.

CLASP's service provision model relies on 20 law student "division leaders" who work in the clinic, under the supervision of lawyers and an outreach coordinator, for a full year (summer and academic year). During the academic year, these division leaders facilitate the involvement of approximately 100-150 volunteer law students. Students who are not enrolled in the clinical program are encouraged to become

involved as volunteers in all aspects of CLASP's services, including casework, community outreach and as intake volunteers (answering questions and taking applications).

The division leaders attend required supervision meetings (integrating feedback and case reflection), provide training guidance to other volunteer students (both as intake volunteers and caseworkers), advance a case load (including files and summary advice) in accordance with the standards of the supervision policy, Rules of the Law Society of Ontario and related standards, oversee intake volunteers, and pursue law reform, PLE and community development projects in the clinic's divisions (Administrative, Criminal and Immigration). CLASP provides an opportunity for law students to gain experience and skills in community-based lawyering, client relations, professional responsibility, and advocacy as well as exposure to the legal and social needs of Toronto's varied low-income community.

Student division leaders receive nine credit hours on a pass-fail basis for successfully completing their clinical work during the academic year. Students are also required to participate in the CLASP seminar and complete a research paper. The seminar meets weekly in the fall term and provides the student with an opportunity to critically reflect upon their clinical experiences, the law, the legal system, and their roles and identities as legal advocates. Each week a different topic will be explored. The topics will provide an overview of critical perspectives on social justice, law, the legal system, and the legal processes that impact on clients. The seminar is graded for three credits. The research paper is also graded for three credits and the students will meet five – six times during the winter term to do a

presentation about their topic and receive feedback on the research. The research paper will meet the requirements of the upper year writing requirement. Training in relevant skills and substantive law is provided at different levels throughout the year both through the seminar and through ongoing supervision of the clinical work.

The CLASP program satisfies the Praxicum requirement and qualifies for the Upper Year Research and Writing Requirement.

Disability Law Intensive

LW 7210.05 and 7230.02 (Fall), 7220.05 and 7240.03 (Winter)

Director: R. Fritsch; Adjunct Professor

The Disability Law Intensive (DLI), in partnership with ARCH Disability Law Centre, is a unique opportunity for students at Osgoode Hall Law School to engage in the practice and study of disability law, through direct client advocacy as well as systemic law and policy reform in partnership with an organization that is considered a leader in disability legal rights and is known and respected across Canada and around the world.

The DLI consists of three interconnected components: a part time two-semester placement at ARCH; a bi-weekly academic seminar; and a research paper. The purpose of the DLI is to learn about the scope of disability law through involvement in individual client advocacy, community education and systemic law and policy-based reform and advocacy. It is an opportunity to understand how the law applies in concrete ways to people, problems and issues. In doing so students will gain an understanding and appreciation that the practice of law can be very different than the

study of law. By merging theory and practice students will gain insight into real issues that are faced by people with disabilities. However, the purpose of the DLI is not to focus exclusively on specific client files but rather to provide space to also engage in larger policy based advocacy that values systemic and community partnership approaches to addressing issues that people with disabilities face.

Placement at ARCH

Credit allocation: 10 credits (pass/fail) divided equally between the Fall and Winter terms

Students (a maximum of 12 students) will be placed at ARCH, on a part time basis, throughout the Fall and Winter semesters. The placement will consist of individual client work (including test case litigation) as well as participation in the law reform/policy and systemic work (including public legal education) that ARCH engages in in partnership with disability organizations throughout Ontario. In one term half the students enrolled in the DLI (normally 6) will focus on individual client work while the remaining students (normally 6) will focus on systemic policy and law reform work. In the second term the students will switch focus.

Evaluation

Clinical Placement: Students will be evaluated through a combination of informal and formal feedback by the staff lawyers at ARCH. Informally, students will receive feedback on their work through the process of revision of written work and through discussions with supervisors. On a formal basis, students will be evaluated on their work using a structured evaluation form that will be made available to students in October, December and February. The final evaluation will be a written evaluation that will encompass the evaluation of the

student's work from both semesters. While the final evaluation will come from the Academic Director it will be strongly influenced by the evaluations provided by the staff at ARCH. The credit allocation will be on a pass/fail basis for a total of 10 credits.

Seminar

Credit allocation: 2 credits (graded)

To enhance the intersection of theory and practice, students will have the opportunity for reflection through participation in an academic seminar. The bi-weekly seminar will begin in September and be held approximately every other week during the Fall and Winter semesters for a total of 14 classes. The seminar will allow students to engage in a reflective process that will both deepen their overall learning but will also strengthen their abilities within the clinic.

The seminar will begin by addressing the value of critical thinking and create an environment for critical thinking about disability issues. The seminar will encourage students to be aware of, and develop an understanding of, their own way of thinking that will in turn challenge assumptions made about people with disabilities. The seminar will critically examine how people with disabilities have been portrayed through different disability theories (e.g. medical model, social model), the consequences and impact of ableism and intersectionality.

The seminar will also focus on the role that the law (and lawyers) play in the lives of people with disabilities. In accessing services, from education to attendant care, people with disabilities come into contact with administrative decision-making processes. Often, although not always, outside the scope

of formal tribunal settings people with disabilities must navigate through "discretionary" decisions that directly impact how they live their lives. The seminar will examine the role that administrative decision making has on the ability of people with disabilities to access and receive necessary benefits and services. The seminar will also examine the role of governmental policies and the intersectionality of disability and poverty which impacts on the issues outlined above. In addition, we will explore and evaluate the methods of lawyering to which students are exposed while at ARCH. Students will write two short reflective papers based on seminar readings and their clinical experience and are required to attend and participate in every seminar. Other minor requirements will be announced at the beginning of term.

Research Assignment

Credit allocation: 3 credits (graded)

Students will produce a policy or law reform-based research paper in consultation with the Academic Director. The nature and topic of this assignment will often, but need not, reflect the policy and law reform priorities identified by ARCH and its community partners in any given year. The research assignment may build on the work undertaken by students during their policy and law reform placement at ARCH.

The intention of the research paper is to allow students to engage more fully in the policy and systemic component of their placement and to produce an end project that will have impact on and add value to the communities they have been engaging with over the past year.

Students will work closely with the Director to identify a project that will meet the criteria of a major research paper. Students will be

expected and encouraged to do much of the work for the project during the semester that they are engaged in policy/systemic work as part of their placement.

The Disability Law Intensive satisfies the Praxicum requirement and qualifies for the Upper Year Research and Writing Requirement.

Environmental Justice and Sustainability Clinical Program

LW 7550.04, 7551.03 (Fall) & LW 7550.05, 7552.03 (Winter)

Director: Professor Dayna N. Scott

The Environmental Justice and Sustainability (EJS) Clinical Program gives Osgoode students an opportunity to explore and use law's potential to remedy past and present environmental injustices and to promote the transition to a more sustainable Canadian society and economy. In this full-year, 15-credit program, students work on files chosen for their likely lasting positive impact on environmental justice and sustainability. The Program's dual focus on remedying environmental injustice and promoting sustainability makes it unique among environmental law clinical programs in Canada. "Environmental justice" mobilizes environmental, civil rights, anti-racist, anti-poverty, Indigenous rights and feminist agendas to challenge the unequal distribution of environmental burdens and benefits in society. "Sustainability" involves the simultaneous pursuit of ecological integrity, social equity and economic prosperity within the biophysical constraints of local and planetary ecosystems.

This dual mandate encompasses a broad range of subject-matter, including biodiversity, energy, water, food sovereignty, climate change, pollution, resource extraction, land use planning, housing, human rights, green

technology, social enterprise, corporate social responsibility, toxic torts, and regulatory compliance. It also includes a variety of types of legal work, including litigation, law reform, legislative drafting, community legal education and outreach, and legal services. Clients may include individuals, community groups, public interest non-governmental organizations, Indigenous organizations, First Nations, municipalities, cooperatives, social enterprises and other groups affected by environmental injustice or interested in advancing sustainability. The Program may also work in its own name (e.g. legal education materials or law reform submissions).

The EJS Clinical Program selects files for their potential to advance environmental justice or sustainability. The Program may work on files provided by external organizations or initiate its own files. Files are drawn from across Canada, with an emphasis on Ontario. Students' clinical work is supervised by the lawyer(s) with professional responsibility for the file. In the case of files provided by external organizations, this means lawyer(s) at the external organization. Students working on external files are not placed physically with external organizations, but conduct their clinical work remotely.

**** For 2022, the program may be modified as needed to account for any ongoing public measures in place related to COVID-19. This may entail a mix of virtual clinic meetings and individual consultations, remote group work, recorded instruction, and independent research and preparation, as needed. **The intention, however, is to resume required in-person clinic seminar sessions at the law school beginning in September 2022.****

Program Components

Clinical work (9 credits, ungraded), seminar (6 credits, graded: 3 credits Fall and 3 credits Winter).

Clinical Work

9 credits, (credit/no credit), LW 7550 (4 credits Fall term and 5 credits Winter term).

Students receive their file assignments early in the Fall term, after an initial introduction (see Seminar, below). They engage in supervised clinical work throughout the remainder of the academic year. The nature and timing of the tasks to be completed are determined on an individual basis depending on the file. The clinical work finishes a few weeks before the end of Winter term classes, to allow for orderly wrap-up of the seminar and research assignment. Academic credit for the clinical work is awarded on a credit/no credit basis, with 4 credits allocated to the Fall term and 5 credits to the Winter term. The Fall term credits are awarded upon completion of the program (until then they appear as “in progress” on transcripts). Students receive a combination of formative and summative assessment. Formative assessment includes informal feedback on their work through the process of revision of written work and through supervisory discussions and interim written feedback. Summative assessment takes the form of a final written evaluation that encompasses students’ clinical work in both terms. The final evaluation is completed by the academic director at the end of the academic year with input from the supervising lawyers with whom the students have worked. Blank written evaluation forms are available to students in advance.

To facilitate the praxicum component, students keep a reflective journal in which they reflect on

their engagement with theory and practice. Students receive formative feedback on journals but the journals do not form part of the summative evaluation.

Seminar

6 credits (graded), LW 7551.03 & 7552.03

Students participate in the EJS Clinical Program Seminar throughout the academic year. In the Seminar, students explore and develop perspectives from which to understand, critically assess, and think constructively about environmental justice, sustainability, public interest law and legal clinics. The Seminar meets a total of twelve times throughout the year: weekly in the first month of the Fall term and eight more times during the rest of the year. The first month of the Seminar is devoted to orientation, clinical skills training and an introduction to theories of environmental justice, sustainability, and public interest lawyering. The final sessions are devoted to collective reflection on theory and practice. The intervening Seminar meetings are devoted to special topics in environmental justice and sustainability, work on common clinic projects, and skills development. Some Seminar meetings may feature guest lectures or short field trips. Topics, readings and speakers are chosen to complement the current year’s clinical files.

“Common Clinic Projects”

Students are required to contribute work towards one “common clinic project” proposed by outside client organizations. We select topics that present cutting edge legal questions and tasks suitable for collective work in an area that we believe the clinic students can contribute something useful to the organization over the course of the two terms. Students must choose one of these files to contribute to in order to

earn the research component of their seminar grade.

Students will participate in organizing sessions related to the common clinic work, inviting or interviewing guest speakers, and facilitating discussion. Each group must also collaboratively prepare a blog post about their work on the common clinic project. The blog post must be posted to the Program's website (up to 750 words) on an agreed upon date in the Fall term.

Guest speakers will visit the seminar at various times through the year to allow students to deepen their knowledge in relation to the common projects. Students are encouraged to work together to understand the legal context for the problems identified below, but also to identify a distinct legal question, or theoretical angle on the file to contribute research and writing on for the research portion of their seminar grade. The final research product may consist of a legal memorandum, research report, draft submission, public legal education materials, or another output approved by the clinic Director.

Students submit a research proposal (2-3 pages), on which they receive formative feedback. In the common project workshops, students working together on that file will organize the discussion of some of the key questions related to their research projects so that the invited guests may assist. Everyone will contribute time during the workshops to moving the common project forward.

The breakdown of the Seminar grade is: 20% participation, 20% blog post (group mark), 20% facilitation of the common clinic workshop, and 40% final research product.

The credits for the Seminar are awarded upon completion of the program (until then they

appear as "in progress" on transcripts). The final research product may qualify for the Upper Year Writing Requirement provided that it is written by one student and is at least 7000 words in length. Other forms of research products may or may not qualify.

Eligibility

The program is open to second- and third-year JD students who are selected during the preceding year via the general application process for clinical and intensive programs. The number of places available depends partly on the nature and number of projects available but is expected to be between 10 and 20 per year. Students may complete the program only once.

** Students must have completed or be enrolled in at least one of Environmental Law, Land Use Planning Law, or Municipal Law by the Fall term of the year in which they enroll in the EJS Clinical Program. It is highly recommended that students enroll in Administrative Law before or concurrent with the fall term of their EJS year.

The Program satisfies the Praxicum and Osgoode Public Interest requirements and is eligible for the Upper Year Writing Requirement.

Feminist Advocacy: Ending Violence Against Women

LW 7080.04 (Fall), LW 7081.02 (Winter) & LW 7082.03 (Winter)

Director: Professor J. Mosher and Adjunct Professor D. Mattoo

Around the globe, countries have reported significant increases in gendered-based violence as a result of COVID-19. The pandemic has made more visible the reality that for many, the home is not a safe place. Indeed, some have

labelled the increase in gender-based violence the “shadow pandemic.” In this context the need for safe access to legal, counselling, and interpretation services is acute.

Students participating in the Feminist Advocacy: Ending Violence Against Women clinical program will spend approximately 8-9 hours/week throughout the year working with our partner, the Barbra Schlifer Commemorative Clinic, assisting Clinic staff in the delivery of legal services to women-identified survivors of gender-based violence and on various systemic advocacy projects. Currently, services are being delivered through a hybrid model, that is, both in-person and remotely. Remote delivery presents its own challenges given both the digital divide and the use by abusers of various technologies to monitor and surveil their intimate partners. For students in the program this means that a key part of the learning will be how to safely deliver remote services to survivors.

To prepare students for the Clinic work there will be 6-8 hours of intensive orientation workshops held early in the Fall. The program also includes “site visits” (approximately 6 hours/semester), as well as “case rounds” (approximately 4 hours/term) that are designed to deepen the connections between theory and practice. The visits and rounds will usually be scheduled on Fridays, where possible either before or after the regular seminar meeting time. The seminar has roughly 13 scheduled meetings over the Fall and Winter terms. Students participating in the Program will be integrated into the work of the Clinic, and while the precise contours of the work will vary from student-to-student, it will include a combination of legal intake shifts, follow-up legal support to clients, work on case files in

family and immigration law, and assisting with the Clinic’s systemic advocacy projects.

The program exposes students to the complexities of addressing access to justice for survivors of violence in various legal domains (family, child welfare, immigration, social assistance, criminal law), as well as when these legal domains intersect; to an approach to practice that challenges disciplinary boundaries; and to a trauma-informed, anti-oppressive legal practice. A particular area of focus this year will be the mechanisms through which the pandemic has resulted in increases in gender-based violence, the ways in which law (family, criminal, child welfare) has responded. The seminar draws from examples of feminist advocacy in action to critically examine the transformative potential of law, and its capacity to meet the needs of marginalized communities and the goals of equality-seeking groups.

For the seminar there are two evaluation components: participation (worth 25% of the final grade) and substantial research and writing project of 7000 words (worth 75%). In most instances, research and writing projects will draw directly from students’ clinical experiences and will be tied to the work of the Clinic. The 6 credits of clinical work are evaluated on a credit/no credit basis, with 4 clinical credits assigned to the Fall and 2 assigned to the Winter term. The 3 credits for the seminar will be assigned to the Winter term.

Innocence Project

LW 5010D.03 (Fall), LW 7140.03 (Winter)

Academic Director: Adjunct Professor L. Johnson

The Innocence Project at Osgoode Hall Law School involves work on cases of suspected wrongful conviction and other miscarriages of

justice. Students will be assigned to placements and will work on actual wrongful conviction files under the supervision of lawyers at partner organizations or law firms, as monitored and, as needed, assisted by Adjunct Professor Lisa Johnson. Students will also learn about various areas of law pertinent to wrongful convictions, via their enrolment in fall term in the *Administration of Criminal Justice: Wrongful Convictions* seminar (LW 5010D.03) as taught by Ms. Johnson. In that seminar, a major research paper on an issue relevant to the problem of wrongful conviction is the central form of evaluation.

Apart from the seminar (in Fall term), the Innocence Project will involve work over two terms via placement with external partners. Students will be selected on the basis of an interview conducted with the Director of the Project.

The heart of the program is supervised clinical work on actual cases of possible wrongful conviction, which have been pre-screened by the Director of the Project or by Innocence Canada. Beyond the investigative work that must be undertaken on any file, students will be required to conduct an exhaustive review of the record in the trial and appellate courts, and may be involved in obtaining new evidence, such as expert reports and forensic or DNA testing.

The *Administration of Criminal Justice: Wrongful Convictions* seminar will involve expert guest speakers who will speak about issues relevant to the problem of wrongful conviction. Subjects that the students will learn about include the following:

- Systemic racism in wrongful convictions and criminal law

- The Criminal Conviction Review Group and how to file claims of miscarriages of justice
- Forensics
- The law of interrogation/interrogation techniques
- Police investigative techniques, including “Mr. Big” stings
- The law with respect to, and the flaws inherent in, eyewitness identification
- False confessions and guilty pleas
- Circumstantial evidence
- Professional conduct: Crown disclosure, ineffective assistance of counsel
- Jail house confession and the use of informants
- Expert evidence and testimony

Clinical work will be evaluated on the basis of a pass/fail grade and a detailed evaluation prepared by the Director of the Project. The *Administration of Criminal Justice: Wrongful Convictions* seminar paper will receive a letter grade.

The Innocence Project satisfies the Praxicum requirement and qualifies for the Upper Year Research and Writing Requirement.

Intellectual Property Law and Technology Intensive Program (“IP Intensive”)

LW 7400.09, LW 7410.03 and LW 7420.03

Director: Professor P. D’Agostino

The Intellectual Property Law and Technology Intensive Program (“IP Intensive”) is open to students in the Fall term for a full semester’s work (15 credit hours).

Program Outline

The IP Intensive provides students with training in intellectual property law (patents, trademarks, copyright, industrial designs, trade secrets, etc.), technology, computer and

Internet law, privacy and other areas. The first two weeks of classes feature workshops and lectures from prominent members of the IP community. These classes cover a range of topics aimed at teaching students the fundamental aspects of substantive and procedural law applied in the day-to-day practice of IP law. Students are expected to participate in a variety of IP Osgoode events and projects as coordinated by the Director of the program.

A key component of this clinical program is a 10-week internship with a government agency, industry (e.g. a high-technology company), or a public interest or other organization that is heavily involved with IP matters (e.g. a copyright collective society).

The internship, together with periodic discussions and seminars, a major research paper, blogging exercises, and a seminar presentation, provides students with a comprehensive examination of important practical aspects of intellectual property law and technology.

Student Evaluation

The evaluation is comprised of the following components:

3 credits/letter graded: A major research paper proposal (3 pages) and short presentation (5 minutes) – 20% of final mark; major research paper (max 30 pages) – 80% of final mark.

3 credits/letter graded: Seminar presentation & workshop supplemented with visual aids/handouts – 40% of final mark; 2 research-based short pieces to be published in blog format (1 blog post, max of 500 words and 1 response/comment, max of 100 words) – 20% of final mark; class seminar leader (introducing

topics, speakers and facilitating discussion) – 20% of final mark, and class participation (video and audio presence required)– 20% of final mark.

9 credits - credit/ no credit basis: An internship reflective journal, an internship reflective blog, and performance at the internship.

The Program Director will also prepare a written evaluation report for each student on the student's performance in each aspect of the program (taking into account comments from the internship placement supervisor), which will then be attached to the student's transcript.

Pre-requisites: Successful completion of at least two of the following courses: Intellectual Property Law, Patent Law, Copyright Law, Trademark Law, or IP-related seminar course.

The IP Intensive satisfies the Praxicum requirement and qualifies for the Upper Year Research and Writing Requirement.

All teaching delivery and participation in the internship will be contingent on public health guidelines.

Intensive Program in Criminal Law

LW 7100.03, LW 7110.03 and LW 7120.09

Directors: Adjunct Professors J. Rosenthal and Justice E. Rondinelli

The Intensive Program in Criminal Law is open to twenty students in the Winter term for a full term's work (15 credits).

Program Outline

Students write one paper on a topic approved by the Directors within the fields of criminal law, criminal procedure, evidence and/or the administration of criminal justice. In addition, students will prepare a written factum on a

criminal law motion or appeal. They are also responsible for one seminar presentation on a topic from a pre-determined list of subjects of special importance within the criminal justice system. Students attend lectures, seminars and discussion sessions coordinated by the Directors of the program and specially invited guests currently employed within the criminal justice system. In the opening sessions, students are exposed to trial advocacy, to the forensic sciences (such as toxicology, pathology, and biology) and to the basics of criminal case management. Key components of the program also include:

- A 10-week placement with a specially selected member of the judiciary at the Ontario Court of Justice or with Crown Counsel, or with Defense Counsel. During these placements, students are exposed to every element of the process from initial client interview to sentencing and appeal. Students make weekly written reports on their activities and reflections and placement personnel report in writing on students placed with them.
- Attending the Centre of Forensic Sciences and the Coroner's Office to receive instruction in scientific evidence and pathology.
- Visiting mental health treatment facilities and learning about the intersection of criminal and mental health law.
- Attending at specialty courts such as Youth Court and the Court of Appeal for introduction and discussion about their particular roles within the criminal justice system.

The two written assignments are letter graded, whereas the seminars and the placements are on a pass/fail basis. The outline/bibliography for the first paper must be approved by the end of

Week 2, and the paper is due at the end of Week 7. The Factum is due on the first day of examinations. At the conclusion of the semester the Directors supply each student with a written evaluation of each aspect of the student's performance in the course.

Prerequisites: Successful completion of Criminal Law, Criminal Procedure and Evidence.

The Criminal Law Intensive satisfies the Practicum requirement and qualifies for the Upper Year Research and Writing Requirement.

Intensive Program in Immigration and Refugee Law

LW 7300.04, LW 7310.04, LW 7320.03 and LW7330.04

Director: Adjunct Professor S. Baglay

Established in 1990, the Intensive Program in Immigration and Refugee Law was the first program of its kind in a Canadian law school.

The Program exposes students to a challenging series of clinical placements, hands-on simulations, seminars and supervised research work that reflect on contemporary issues of international migration. The Program seminars discuss both theoretical and practical aspects of migration and migration regulation. From a theoretical perspective, they explore various theories of community membership; factors that influence formation of migration flows and state responses them; approaches to migration regulation and refugee protection in the context of globalization and humanitarianism. In addition, the seminars examine in detail selected topics of Canadian immigration and refugee law deepening the students' understanding of the application processes, relevant statutory interpretation, case law and other issues.

Learning Objectives

The Program seeks to assist students to critically assess the underlying tenets of this rapidly evolving body of public law, and the roles that lawyers play in the design and implementation of immigration and refugee law.

The program seeks to enhance your ability:

- To recognize and appreciate the complexity of immigration and refugee issues;
- To situate immigration/refugee law and relevant legal institutions in their historical, social, economic, political, philosophical, moral and cultural context;
- To be aware of the evolving nature of the law;
- To use the techniques of legal reasoning and argument, such as case analysis and statutory interpretation, to analyze legal issues;
- To conduct independent legal research and to identify areas of law in need of reform;
- To effectively formulate and present legal arguments both orally and in writing in different contexts;
- To understand the role of a lawyer and the importance of ethics, professionalism, and integrity;
- To understand the limits to your own knowledge and how this might influence your analyses and interpretations of the law;
- To conduct self-reflection and to identify and address your own learning needs in changing circumstances.

Required course materials:

- 1) Immigration and Refugee Protection Act
- 2) Immigration and Refugee Protection Regulations

3) Readings posted on the course website

a. Credits

15 credits are allocated in the following way:

(1) 7320.03 (3 credits, graded)

- Paper proposal and its presentation – 20%
- Research paper (approx. 7,000 words, excluding references) - 80%

(2) 7330.04 (4 credits, pass/fail)

- Placement
- Presentation on placement experience

(3) 7310.04 Advanced Immigration Law (4 credits, graded)

- Participation – 25%
- Country of origin research – 15%
- H&C assignment – 15%
- Reflection on judicial review or tribunal hearings – 10%
- Sample of work completed during the placement – 35%

(4) 7300.04 Advanced Refugee Law (4 credits, graded)

- Participation – 20%
- Legal memo – 15%
- Placement journal – 30%
- Mock refugee hearing – 35%

4 credits for the placement are assigned on a pass/fail basis. All other components of the evaluation (advanced immigration law, advanced refugee law and research paper) are assigned letter grades.

The research paper satisfied the Upper Year Research and Writing Requirement (UYRWR) and the placement satisfies the Practicum Requirement.

Withdrawal from the Program – only with permission of the Director of Clinical Education and the Associate Dean.

b. Prerequisite Courses

- 1) Immigration Law
- 2) Refugee Law
- 3) Administrative Law (recommended, but not required)

c. Presentation

- f) A combination of seminars, guest lectures, presentations, hearing simulations and external placements. Seminars, guest lectures, presentations and hearing simulations will be predominantly in-person, but some online components (e.g., zoom sessions, short pre-recorded lectures and online exercises) may be included where appropriate. Placements will be predominantly in person, but may also include remote work.
- g) Supervision by course director in association with external supervisors (during placements) in partner organizations.
- h) Attendance of all components of the Program is mandatory

3. Program Content and Structure

The Program consists of 3 key modules: advanced immigration law, advanced refugee law and an external placement.

The Program begins with a week-long seminar introducing the major themes, history and international context of refugee and immigration law followed by sessions in advanced immigration and refugee law. The first two modules, Advanced Immigration Law and Advanced Refugee Law, each consist of two weeks of seminars that consider specialized topics in domestic and international law.

The third module is a 6-week external placement. The external placements are a major component of the Program. Students are placed with mentors in advocacy, institutional and adjudicative settings. The goal of the placements is to advance the student's

understanding of immigration and refugee law from the perspective of advocates, policy officials and decision-makers and to allow students apply the knowledge they have gained in the areas of immigration and refugee law. Some of the past and current placements include the Federal Court of Canada, the UNHCR, the Immigration and Refugee Board, Green and Spiegel and others.

Following the external placement, students return for the concluding weeks of the Program. The students are given an opportunity to share and discuss their placement experiences and to complete a research paper on a chosen topic of immigration or refugee law.

Intensive Program in Indigenous Lands, Resources and Governments

LW 7500.09, LW 7510.03, LW 7520.03

Directors: Professors J. Hewitt & A. Bhatia

The Program

The Program is the only one of its kind in North America. It combines a rigorous academic experience with challenging placements in the field in Aboriginal law or environmental law. The Program is worth 15 credits (a full term's workload). This course will be of particular interest to students interested in Aboriginal and Indigenous law, environmental law, constitutional law and public policy.

Application process: Osgoode students must apply through the general selection process for Clinics and Intensives held in January and February every year. Students from other Canadian law schools may then also apply in April. See the [Program page](#) on the Osgoode website for more information.

In The Classroom: The First Phase

The term begins with one week of independent study and two weeks of intensive seminars at

Osgoode. Students are taught how to use law in creative ways to solve problems. The importance of a community-based approach to the law is particularly evident in addressing the problems that Indigenous peoples encounter within the Canadian legal context. Because of the distinctive history, culture and political situation of Indigenous peoples, a distinctive approach to identifying and applying the law must be developed. Alongside State law, thinking about how to identify, interpret and apply Indigenous laws, as well as the rules and legislation developed by First Nations themselves, is at the heart of the community lawyering approach taken throughout the Program.

In the Field: The Second Phase

The program places students for seven weeks with Indigenous organizations, environmental organizations, on reserves, with law firms and with government departments to work on applied legal issues. Clinical field placements are important because they provide a variety of experiences and perspectives that would be impossible to simulate in the classroom. Examples of placement work include land claims research, analyzing new legislation, assistance in preparation for litigation, attending negotiation sessions, making presentations to Chief and Council and accompanying Crown attorneys on a fly-in circuit court. There are a limited number of placements outside of Canada – which in the past have included organizations based in Latin America and the United States (among others).

Prerequisites: A law school course in Aboriginal or Indigenous law is required. A course on environmental law is required for students who wish to be placed specifically with an environmental organization. Students wishing a

placement in Latin America must be able to speak, read and write Spanish where relevant (cf. Belize). Students applying in their second year of law school (toward participating in the Program during their third year) will be preferred. Continued enrollment in the Program is contingent on finding an appropriate placement and on the ability of the student to show a collaborative attitude in the classroom and at their placement.

Evaluation: The Third Phase

A variety of evaluative methods are used. Two papers (a written background paper supporting a seminar presentation connected to the student's placement experience, and a major legal research paper) are prepared during the term, for which letter grades are awarded. In addition, comments from the placement sponsor, the student presentation to the class and the daily journal kept during the placement form the basis of a written evaluation by the directors that is attached to the student's transcript.

The Intensive Program in Indigenous Lands, Resources and Governments satisfies Osgoode's Practicum requirement and qualifies for the Upper Year Research and Writing Requirement.

Intensive Program in Poverty Law at Parkdale Community Legal Services

LW 7000.03, LW 7000.12

Director: Professor Fay Faraday

Background

The Intensive Program in Poverty Law places 20 students for an entire semester in an operating community legal clinic, Parkdale Community Legal Services (PCLS), in downtown Toronto. PCLS was established in 1971 as the first community-based legal aid clinic in Ontario. Osgoode students were instrumental in

establishing the Clinic and since its inception, have been an integral part of PCLS. The students accepted into the Intensive Program in Poverty Law will join over 1,600 members of the legal profession, including practicing lawyers, law professors, and judges, who have participated in this enriching and challenging experience as part of their legal education.

Recognizing that many of the problems in the Parkdale community are systemic, PCLS embraces a model of community lawyering that integrates strategies designed to redress individual legal problems with those designed to facilitate broader systemic reform. The systemic work of the Clinic takes many forms including public legal education, community development, coalition building, community organizing, media strategizing and law reform. PCLS works with people in the community to identify issues and challenges that are facing them collectively and to develop strategies to address these issues. Students participate in all dimensions of the Clinic's work, engaging daily with the practices of community-based lawyering.

Learning Objectives

Students are expected by the end of a semester at PCLS to be able to, among other things:

- critically evaluate law's role in reproducing poverty and as a resource to help eradicate poverty
- assess various models of poverty law practice
- describe and explain the 'gap' between law on the books and law in action
- describe different theories of social change and evaluate the work of PCLS in light of these theories
- engage in practices consistent with community lawyering

- establish rapport with clients and effectively conduct client interviews
- effectively apply the substantive law in the area of practice in which they work
- explain different models of public legal education and design & deliver public legal education workshops drawing on one or more models
- capably manage client files and community work files
- work collaboratively with clients, other students, staff and partners
- identify and deliberate about issues of professional responsibility and ethics in the context of poverty law practice and community lawyering

Assignment to a Division

Students are assigned to one of four divisions at the Clinic:

- Housing Rights
- Workers' Rights
- Social Assistance, Violence and Health
- Immigration & Refugee Law

Responsibilities at the Clinic

At PCLS, students:

- are the front-line faces that members of the community meet when they come to the Clinic
- have hands-on responsibility for developing cases and legal arguments, carrying a caseload of approximately 15 active files
- have daily opportunities to learn and develop skills in interviewing, counseling and negotiating
- may represent people at hearings before administrative tribunals
- participate in community organizing, law reform or other activities designed to instigate social change

Support for Student Learning

The environment at PCLS is deeply collaborative and enormously supportive. The permanent staff at the Clinic includes a Clinic Director, staff lawyers, community legal workers, and support staff. In addition to the permanent staff, the Academic Director (a member of Osgoode's faculty) and 4-6 students who have 'summered' at the Clinic, all play roles in supporting student learning. Among the structured learning sessions is the academic seminar, which meets Wednesday morning for a three-hour seminar led by the Academic Director. The seminar provides a space to critically reflect on experiences at the Clinic, to become acquainted with relevant theory, and to draw connections between theory and practice. At the Clinic, divisions meet regularly early in each semester to review the substantive law and to interrogate the relationships between the issues individuals are facing and broader structures of power. Students also meet on a handful of occasions to learn some of the foundational skills of community outreach, education and organizing. Beyond the structured sessions, staff doors are always open and students are invited – indeed encouraged – to ask questions and to work with others to problem-solve.

Credits

Students receive a letter grade for the seminar, which is allocated three credits. The remaining 12 credits are graded on a credit/no credit (pass/fail) basis. Detailed written evaluations of the student's performance prepared by the student's supervising lawyer and community legal worker, together with the Academic Director, form part of the student's academic transcript.

Introductory Skills Training Program

All students accepted into the Program are required to participate in an introductory Skills Training Program (STP) during the opening weeks of their term. Basic practice skills such as interviewing, informal advocacy and negotiation, and litigation are introduced in the STP, combined with an understanding of the work in the context of the Parkdale community. It is a good opportunity to get to know the staff and the other participating students. Attending the STP is a mandatory pre-condition for participation in the Intensive Program in Poverty Law.

Term Dates

A term at PCLS starts on the first day of the term and extends to the last day of the exam period at Osgoode Hall Law School. Students are expected to be in attendance at PCLS between these dates. There is a 'reading week' in each of the Fall and Winter semesters, however the timing of this week is staggered so that the Clinic continues to be accessible to the community throughout each term.

Shadowing and File Transfer

Incoming and outgoing students, at the beginning and ending of their respective term, are required to work together to facilitate file transfer and to allow incoming students to learn from outgoing students. The timing is to be determined in consultation with the division, including both the incoming and outgoing students and their supervising lawyer. The purpose of this requirement is to create overlap between incoming and outgoing students.

Workload and Hours of Work

The program is a full-time, full-term commitment. Each student handles a caseload of approximately 15 active files. In addition, students spend a good deal of time on intake

and in offering summary advice to clients or referring them to appropriate agencies or services. Students are expected as well to become involved in the Clinic's change-oriented organizing work.

The work at the Clinic can be intense and the amount of work can be unpredictable. The Clinic's hours extend into evenings and community work and events also regularly happen in the evenings and on weekends. Students are expected to participate in a minimum of 40 hours of community work over the course of their term. Because it is a working Clinic there are sometimes spikes in the workload. As well, there is quite an intense period at both the beginning and end of the semester. While occasional workload challenges in the Intensive Program in Poverty Law are inevitable, the Academic Director is available to work with students to ensure that their overall hours are reasonable and that they are able to balance their participation in the program with their other commitments. As is the case in all professional environments, students must also be proactive in managing their own workload and in reaching out for assistance where required.

Acceptance and Withdrawal

The work of the Clinic cannot accommodate last-minute adjustments. Accordingly, acceptance of an offer of a place in the Program includes an undertaking in writing that the student will not subsequently seek to withdraw except for the most pressing and urgent of personal reasons. The discretion to allow such a withdrawal rests with the Associate Dean (Students) or Assistant Dean, Students who will consult with the Academic Director.

Practicum and UYRWR

The Intensive Program in Poverty Law satisfies the Practicum requirement and provides options for students who would like to qualify for the Upper Year Research and Writing Requirement.

Students with Disabilities

PCLS and Osgoode are committed to ensuring that the Intensive Program in Poverty Law is accessible to all students. Students requiring accommodations in the application or selection process should contact the Academic Director or Nadia Azizi in the Office of Experiential Education. After the selection process, all students selected for the program will receive communications regarding how to pursue accommodations procedures for their upcoming term at PCLS. The Clinic's aim is to proactively identify and plan for accommodation needs as early as possible after the selection process to ensure that all students have inclusive and productive learning experiences.

Summer Employment

Each year PCLS applies to Legal Aid Ontario for funding for 20 summer student positions. The Clinic's ability to offer summer work to students is dependent upon receipt of this funding. Assuming the same level of funding as prior years, students who accept a position in the Program will be eligible for summer employment at the Clinic. The Clinic hires 12-16 new students who will be entering the academic program in the next academic year (half of these being students who are coming in the Fall, and half those coming to the Clinic in the Winter); four to eight positions are reserved for students who have already completed the Program. This is done to provide a measure of continuity for client files as well as to ensure that there will always be a core of experienced

students at the Clinic who are able to assist the new students.

PCLS is committed to employment equity and will give priority to applicants who are members of traditionally disadvantaged sectors of our society, where competence is equal. The Clinic may also consider students' career goals and current financial need. Students are advised that typically PCLS is only able to offer relatively modest summer salaries.

International & Transnational Law Intensive Program

LW 7370.10, LW 7371.02, LW 7372.03

Directors: Professors Margaret Boittin and Heidi Matthews

Overview:

Open to upper year JD students, the International and Transnational Law Intensive Program (ITLIP) is offered in the Winter term each academic year. Students develop specialized, advanced and critical knowledge of international and transnational law and its daily, on-the-ground operation in a program that integrates scholarly perspectives, experiential learning, skills development and reflective practice. ITLIP is a full-term program (15 credits) and consists of three closely integrated parts, each its own course on the student's final transcript:

(1) (graded by Credit / No Credit) a Winter term **placement** of three months in either an intergovernmental organization located in Canada or abroad, or a law clinic, non-governmental organization, government department or law firm in Canada that grapples in a significant way with international and/or transnational law questions/issues (such as through litigation, legislative change and other advocacy);

(2) (letter grade) an **online academic seminar** conducted once a week by videoconference; and

(3) (letter grade) a **research paper**, generally related to the field of international and/or transnational law that is the focus of the placement organization

To different degrees depending on a student's placement, ITLIP enables students to develop skills related to dispute resolution, handling ethical dilemmas, collaborative/team work, work-flow and time management, international/transnational law compliance and implementation processes (both at international and national/local levels), research and writing, and policy development and advocacy. The online/Zoom seminar meetings commence once the students are in place with the partner organizations and continue every week for the entire semester, with the exception of Reading Week. The research paper that the students write during their placement is separate from their placement duties. During the placement, students are required to submit three journals – approximately, one per month. These journals serve as a basis for the Director to engage students on their progress and challenges in their placements; aspects of the journals may also serve on occasion as a basis for sharing of experience amongst the students via an eClass forum and/or during the online seminars.

Apart from the placement, seminar, and research paper, there are two further components of ITLIP. One is the **Public International Law pre-requisite**; students must have completed this course in the Fall semester if they have not already done the course. (Furthermore, students may be advised by the Director of other Fall semester courses they

might consider taking to enhance preparation for their specific placements.) The second is a **placement pre-departure session** held online in early January a week before or in the same week that students begin their placements.

What follows is further detail on the three separate courses that combine to make up 15 credits:

Seminar LW 7371.02, (2 Credits, graded):

The seminar takes place online once a week on a day and at a time that is worked out with the students, considering time zones. That said, it is presumptively to be on Thursdays, at 10 am – 12pm Eastern Standard (Toronto) Time, possibly with some adjustment when daylight savings time starts. There is no seminar during the Osgoode Reading Week. The seminar is offered using a video-conferencing platform (to date since ITLIP's inception, Zoom) for the real-time online weekly class and using eClass for postings and asynchronous discussions between the Zoom sessions. Where the seminar takes place during the ordinary workday for a given placement (this depends on a student's time zone), students should ensure their partners understand the need (already conveyed to the partners by the Director) to have a scheduled break from placement work for that online session every week.

The seminar's focus is heavily on "transnational law" ideas, issues and contexts, as a follow-on from the more traditional interstate-law focus of the mandatory pre-requisite Public International Law course. It involves a mix of readings designed to deepen students' understanding of the nature, operation and impact of international law, international organizations, transnational law, and transnational actors like corporations and non-

governmental organizations as a dynamic set of interacting social institutions rooted in history, competing normative perspectives, and unequal power relations. Comparative legal studies and conflict of laws (private international law) are also integrated into the seminar. The goal is to foster the development of perspectives from which to critically assess and think constructively about international and transnational law and associated institutions' impact on society, both globally and locally. The seminar topics encourage students to make connections with their placement contexts while also engaging in reflection beyond those contexts. The seminars will be devoted mostly to discussing the academic readings with time periodically set aside for discussion of student experience across the placements.

Evaluation will combine an assessment of pre-seminar postings in advance of the readings for a required number of weeks, attendance, and contributions to the seminar discussion. The journals that are required as part of the placement will be assigned a part of the seminar mark with a presumptive common grade – i.e. the same grade assigned to all, on condition of meeting the deadlines for them and engaging in a threshold of meaningful reflection within them; however, an especially strong set of journals may be used as help the instructor decide between grade categories where a student's seminar grade is otherwise on the border between grades.

Placement LW 7370.10, (10 Credits, credit/no credit):

In the Winter term, students are placed with a partner organization for three (3) months, generally from the start of the second week of January to the end of the first or second week of April each year. They are assigned a

supervisor at the partner institution. The Director of ITLIP consults with the supervisor at a mid-point in the placement and then at the end of the placement in order to arrive at an overall assessment of the student's performance; a written narrative of that performance is then prepared by the Director for the student's Osgoode transcript. Insights from the student journals and discussions with the student can help round out the Director's understanding of the student's experience and performance.

Students will be engaged in providing legal and law-related services within these organizations and to any clients that the organizations might have, and/or critically engaging with international and transnational law issues through legal research and/or policy analysis. Students are accepted into the ITLIP program with no commitment as to specific placement. Placement decisions are made by the Director in consultation with the relevant partner organizations, but program students are first asked to rank their preferences for placements such that these preferences can be taken into account in allocating placements. The Director will guide each student to prepare a nomination package to a given organization, or a formal application in those cases (notably United Nations organizations) where a partner organization has a mandatory application procedure before they can accept an intern.

As noted earlier, journaling is a mandatory component of the placements; three journals must be written by the student as a reflection on what and how they are learning in their placement, with one sent by roughly early February, early March and early April. These journals may also feed into the experience-exchange component of the online seminar. As

noted under "Seminar", the journals can play a 'tie-breaking' role with respect to the grade category assigned to the seminar.

By way of example, placements in 2021-22 included: the Office of the Prosecutor of International Residual Mechanism for Criminal Tribunals (IRMCT) in The Hague; Amnesty International in Toronto and Ottawa; working with a consultant on projects for Global Affairs Canada's Legal Affairs Bureau (JLA) and the Human Rights and United Nations Law Division (JLH); Trade and Investment Project at the Canadian Centre for Policy Alternatives in Ottawa; the Centre for Law and Democracy in Halifax; Camp Fiorante Matthews Mogerma (CFM Lawyers) in Vancouver; Centre for Equality Rights in Accommodation (CERA) in Toronto; Social Rights Advocacy Centre; Genova Rochon LLP in Toronto.

Research Paper LW 7372.03, (3 Credits, graded):

Students research and write a 7000-word academic paper. By current regulation, they are to be submitted on the same date as research papers are due for all Osgoode Winter courses, but a proposal has been put forward to Osgoode's Academic Planning and Policy Committee for a change to regulations so as to allow for papers to be submitted nearer to the end of April. It is not currently known whether this will be approved.

Partner institutions are asked by the Director to accord the equivalent of the Winter term Reading Week to the student to assist the student in making time for the paper; this time may be given as a consecutive week or as shorter periods adding up to give days and does not have to correspond to the same week as the Osgoode Reading Week.

The paper may not re-purpose material written as part of placement work, but it may build on such work and generally should complement the learning that has occurred in the placement by being on a topic that, in general terms, relates to the field of international or transnational law that has been the focus of the placement. Papers must not use or draw on confidential material from the placement. The student's placement supervisor may wish to ensure that no confidential material has been used, and is permitted, for that purpose, to look at the paper before its submission at the end of term; for that reason, students should be sure to have completed the paper – or its essence (before a final edit) – at least several days before the submission deadline.

Pre-requisite: Public International Law

Preferred courses: Where a student's placement is known in advance of the course selection period, the Director may recommend to the student another course along with Public International Law if a course is being offered in Fall semester that is especially relevant to their placement.

Other Osgoode curricular requirements: The ITLIP satisfies the Osgoode "praxicum" criteria, the Osgoode Public Interest Requirement (OPIR) and qualifies for the Upper Year Research and Writing Requirement.

Investor Protection Clinic (IPC)

LW 7670.03 (Fall), 7671.03 (Winter) – clinical component and 7672.03 (Winter) - seminar
Director: Professor P. Puri

The first program of its kind in Canada, the IPC consists of two components: (1) A Clinic that provides students the opportunity to grapple with real-life problems and issues of harmed individual investors; and (2) An Academic Seminar that facilitates the integration of

reflection and practice, building upon work being undertaken by students at the Clinic and providing a more conceptual framework for their practical day-to-day work. Students will develop specialized, advanced and critical knowledge of investor protection issues, investor recovery mechanisms and gaps in the current system through a program that integrates scholarly perspectives, skills development and reflective practice.

Pre-requisite or Co-requisite: Securities Regulation and Business Associations

The Investor Protection Clinic (IPC) consists of two closely integrated components:

- The Clinic, housed at Osgoode Hall Law School, will offer students the opportunity to grapple with difficult and complex legal issues relating to investor protection and investor recovery (such as through litigation, mediation and arbitration procedures, and investor education outreach); and
- An Academic Seminar whereby students will develop specialized, advanced and critical knowledge of investor protection issues in an academic program that integrates scholarly perspectives, skills development and reflective practice. The seminar will also enable students to develop skills in dispute resolution, negotiation, oral and written advocacy and legal research and writing.

Clinic (6 Credits, Credit/No Credit): Open to second- and third-year students, the IPC requires attendance and active participation during the entirety of the academic year. The Clinic will begin with a training program to prepare students for the breadth and depth of issues that they may encounter at the Clinic. It

will include an overview of: (i) Key types of investments and investment products; (ii) The range of issues that may arise (misappropriated funds, fraud, unsuitable investment recommendations, unsuitable recommendations to borrow to invest, nondisclosure of fees, churning, inappropriate advice, unauthorized trading, misrepresentation, and so on); (iii) Key mechanisms available (court, mediation, arbitration, regulatory complaints, ombudservices, criminal complaints, and internal corporate complaints processes) as well as procedural aspects for each; and (iv) Client intake skills. This skills training at the beginning of the year will provide a foundation for students to commence at the Clinic and deepen their learning through regular group and one-on-one meetings with the Academic Director as well as ongoing supervision by lawyers from the supervising law firm. The Clinic's clients will be selected by the Academic Director based on need, scope and available resources.

Students will work closely with their supervising lawyers to interview potential clients, suggest legal options to clients, draft documents (including complaint letters), assist clients with ombudservice resolution processes, facilitate mediation and arbitration procedures and/or assist with court hearings.

Academic Seminar (3 Credits, Graded): The Academic Seminar provides a critical understanding of the theory, policy, nature and design of the investor protection framework in the Canadian legal and regulatory landscape. Students will develop perspectives from which to understand, critically assess and think constructively about what investor protection means as a dynamic social, economic and political construct. Students will be encouraged

to consider the competing and complimentary nature of public regulatory mechanisms, private civil lawsuits through the courts, self-regulatory mechanisms including mediation and arbitration, and corporations' internal complaints mechanisms. Students will be encouraged to explore the challenges and gaps in the current framework of investor protection.

Topics to be covered include: (i) History and development of the investor protection mandate; (ii) Current debates on deterrence versus investor compensation and recovery; (iii) Efficacy of current investor recovery procedures, their policy rationales and where they leave gaps or fall short; (iv) Innovative mechanisms on the horizon in Canada and other jurisdictions; (v) Reflective practice (praxis) in the context of investor protection; (vi) the potential and limits of the utilization of corporate law, securities law, contract law and fiduciary duties in the quest for better investor protection outcomes.

There will be two evaluation components: attendance, participation and short, journal reflections (worth 25% of the grade) and a substantial research and writing project (worth 75% of the grade). Each student will be expected to prepare written work of at least 7000 words in length, excluding notes, bibliography and appendices. As such, the seminar will satisfy one of the upper year writing requirements.

Mediation Clinical Program

LW 7810.03 (Fall), LW 7800.04 (Winter), 7810.02 (Winter)

Directors: Professor K. Drake and Adjunct Professor B. Morrow

This full-year program bridges mediation theory and practice, while actively engaging students

in the provision of conflict resolution services through the Osgoode Mediation Clinic and its community partners. Students learn the theory that underlies mediation as well as the skills needed to actually mediate conflicts. Under the guidance and direction of the Mediation Clinic Directors, students also engage in a variety of mediation services including undertaking community outreach, facilitating dispute-resolution workshops, and conducting community and Small Claims Court mediations. For their clinic work, students are divided into one of three divisions: Campus/Clinic, Neighbourhood, and Family and Youth. Students remain in the same division throughout the year and work with both the Clinic Director and community partners in fulfilling their clinic work.

Students participate in a weekly three-hour seminar that focuses on class discussion of the recent dispute-resolution literature, including the utility of mediation in civil and criminal disputes, mediation advocacy, access to justice, innovation, community-mediation issues, as well as cultural, power, ethical and professional responsibility issues in alternative dispute resolution and principles of dispute-system design. The seminar includes a major research paper addressing one or more theoretical issues with observations based on the students' practical experience.

Grading and Evaluation

Graded (Winter term) 4 credits: Class participation (10%); Major Research Paper or Project (60%); Mediation assessment (10%); and Community engagement work product (20%).

Credit/No-Credit 5 credits total: Fall (3) and Winter (2): Clinical work including conflict resolution work within the community;

community workshops; and community outreach.

The Mediation Clinical Program satisfies the practicum and OPIR requirements and qualifies for the Upper Year Research and Writing Requirement.

Osgoode Business Clinic

LW 7600.02 (Fall) & 7610.02 (Winter) and the seminar 5630.03 (Fall)

Directors: Professor S. Ben-Ishai (clinic) & Adjunct Professor B. Ross (Case Studies in Business Enterprises seminar)

The objective of the Osgoode Business Clinic is to fuse students' doctrinal education in commercial law with experiential training thereby providing a holistic educative experience. Students are put into teams of 2 – 4, assigned a business client and supervised by a team of lawyers from Stikeman Elliott. The files typically involve providing basic but typical legal advice and documents (i.e. incorporation, drafting sales contracts, subcontracts). Clinic clients cannot otherwise afford professional legal services but are attempting to start up or raise the sophistication of their small company or sole proprietor business practices. The clinic presents an opportunity to “practice” law and learn without any billing, status, volume or commercially related pressures. The Osgoode Business Clinic provides students with skills-based training that includes: retainers; case management; client interviews; identifying the appropriate commercial structure and documents; legal drafting; negotiation; reporting letters and file closing. The clinic often provides students with their first ever challenge involving managing client expectations and focusing client wants.

Student duties include:

- Physical and/or electronic meetings with the client;
- 3 compulsory classes at the offices of Stikeman Elliott (in-person or virtual) (2 in the Fall, 1 in the Winter);
- Weekly virtual OBC classes in the first half of the each term;
- Monthly virtual classes thereafter; and
- Weekly written reports to the Director throughout.

The approximate time commitment is as follows:

1. Files: approximately 40 hours per semester for two semesters;
2. Meetings: with supervising counsel approximately 15 hours per semester for two semesters (including the off-site Stikeman classes); with OBC Director approximately 12 hours per semester for two semesters; and
3. Reports: written weekly, approximately 10 hours per semester.

Participation in Osgoode Business Clinic is by permission of the Director. Students must register for the Fall and Winter semesters.

The Osgoode Business Clinic, taken in conjunction with Case Studies in Business Enterprises, satisfies the Praxicum requirement.

Osgoode Business Clinic Seminar - Case Studies in Business Enterprises

LW 5630.03 (Fall term)

B. Ross, Adjunct Professor

Prerequisite Courses: Business Associations.
Restricted to students in the Osgoode Business Clinic or subject to approval of the instructor.

Preferred Courses: None

Presentation: Discussion; class presentation; research and writing.

Case Studies in Business Enterprises explores substantive legal and business issues commonly encountered in the creation and operation of emerging business enterprises.

The objectives of the course are to provide students with an understanding of the legal framework for establishing and growing business enterprises, a sense of current issues in this area, and a foundation of practical business law skills.

This course will equip students to understand and practically deal with legal issues of common application to business enterprises of different sizes by providing advanced coverage of topics that are dealt with tangentially in other courses, such as: choice of enterprise structure; shareholders' agreements; business financing; employment law; intellectual property; purchase and sale of a business; and restructuring a business. We will also deal with business-related topics such as: accounting; tax; regulatory constraints; and governance. Focus will also be given to the private practice environment and the considerations involved in developing and growing a sustainable business law practice. The difference between this class and other business law courses is that this course works through substantive legal topics by using a hands-on case study model.

In addition to class discussion, students will work in small groups to explore legal and business issues encountered by business clients. Active participation in the class environment is emphasized as an important component of the course.

Evaluation

Students in the seminar will receive a letter grade for a combination of a group presentation (10%), participation (25%) and research paper (65%).

Case Studies, taken in conjunction with the Osgoode Business Clinic, satisfies the Praxicum requirement and qualifies for the Upper Year Research and Writing Requirement.

Test Case Litigation Project

LW 7070.03 (Fall), LW 7071.03 (Winter),
7072.03 (Winter)

Not Offered in 2022 – 2023

The Test Case Litigation Project provides an opportunity for students to learn the theory and practice of using litigation as a tool of law reform and social change, while also gaining hands-on experience assisting practitioners engaged in actual test cases.

This full-year, 9-credit program is divided into three major components: a 1-semester seminar; a placement with a firm, organization or practitioner involved in test case litigation; and a paper requirement. Each component of the program is worth three credits.

The seminar, which takes place during the fall term, is designed to expose students to both the theory behind using litigation as a social change strategy, as well as introduce them to the major practical considerations involved in conducting a test case. Topics to be covered include the lawyer's relationship to clients and affected communities; justiciability; standing; remedies; funding litigation; expert evidence; and appellate procedure. Readings include traditional materials like case law and scholarly writing, but also podcasts, court filings, and transcripts from hearings.

During the winter semester, students will be placed with lawyers currently engaged in test case litigation before courts and tribunals. Students are expected to contribute approximately 12-16 hours per week to their placement. Depending on the need of the placement partner, student work may involve legal research, interviewing witnesses, drafting pleadings or affidavits, or assisting in the preparation of factums.

Students are also required to write a 7,000-8,000-word paper which engages with the theoretical and practical issues dealt with in the seminar. Topics are to be set in consultation with the course Director: but may address any aspect of test case litigation. The paper is due at the conclusion of the Winter semester, and students are encouraged to integrate the experiences they have gained from their placements into their work.

Both the seminar and the research paper are graded, while credit for the placement will be given on a pass/fail basis.

The Test Case Litigation Program satisfies the Praxicum requirement and qualifies for the Upper Year Research and Writing Requirement.

Intensive Research Program

LW 7020

This program offers the opportunity for intensive work under the personal direction of a full-time faculty member, at an advanced level. While a major research paper will be the keystone of each student's research over two or three terms it will be set in the context of work in related courses and seminars. Students may also take, with approval, some non-related courses and seminars of more general interest. Students may have the opportunity to

participate in a symposium run by faculty researchers and providing a forum for the exchange of research results and methodologies. Completed research programs have covered a variety of topics from the use of the videotape in the court to the inference drawing processes of the jury. The past academic and employment experiences of the student do seem to have had a bearing upon what has been researched. If you wish to pursue such a program, first locate a supervisor. Professor cooperation is crucial.

Notes

- A student may receive credit for a Research Program of not less than 15 and not more than 30 credit hours which may extend through his or her second and third years.
- A student will be permitted to pursue a Research Program if, in the opinion of the Assistant Dean, Students:
 - the student's academic record in the law school and elsewhere, and other relevant evidence, shows promise of the ability to conduct with distinction a major program of research;
 - the proposed research program is within the student's capacity, and his/her entire plan of study is otherwise satisfactory; and
 - he/she will receive adequate supervision.
- A Research Program will normally extend throughout a student's three final semesters, but, with the consent of the Assistant Dean, Students may extend through the final four or final two semesters.
- A student seeking permission to pursue a Research Program shall submit, to the Assistant Dean, Students not later than 10 days prior to the commencement thereof, a

statement from the proposed supervisor stipulating:

- the topic or field of research, and a tentative outline of research;
- The amount of academic credit to be obtained and date for submission of the completed research paper; and
- consent to provide supervision.
- Any change in the conditions of supervision may only be obtained upon filing of a new form, signed by the supervisor and with consent of the Assistant Dean, Students.
- The Assistant Dean, Students on application by the student or the supervisor, or upon her/his own motion, may permit or require the student to terminate a Research Program upon such terms and conditions as she/he may decide.
- Students who elect to take this program shall not:
 - be enrolled in another 15-credit clinical program, e.g. Parkdale, Criminal Law, Immigration & Refugee Law over the second and third years;
 - be enrolled in more than four seminars in addition to the Research Program over the second and third years;
 - for the purpose of this rule, "seminar" includes Personal Research, 15 credit clinical programs, and seminars in other faculties and departments.

Students who are interested in undertaking a Research Program must consult with faculty to obtain an appropriate supervisor. Not all faculty are able to undertake student supervision in any given year.

Students interested in pursuing a Research Program should contact the Assistant Dean, Students.

JOINT PROGRAMS – JD/MBA, JD/MES, JD/MA (Phil)

Osgoode Hall Law School offers three Joint Programs, in which students can complete 2 degrees in a condensed time period: JD/MBA; JD/MES; JD/MA (Phil).

JD/MBA Joint Program

Osgoode Hall Law School, in conjunction with York University's Schulich School of Business, offers a four-year, full-time program leading to a joint JD/MBA degree. Students in the Joint Program spend their first year in either the Law School or the Business School, their second year in the first year of the other program, and the remaining two years taking courses in both programs.

Successful applicants are asked to select the program in which they prefer to commence their studies. While such preferences are given utmost consideration, the Faculties of both schools reserve the right to designate initial programs.

Applicants for the Joint Program must apply separately and satisfy the entrance requirements of each program, including the writing of the Law School Admission Test (LSAT) and, where applicable, the Graduate Management Admission Test (GMAT). The GMAT requirement will be waived for applicants who have been accepted to and enrolled in the JD program at Osgoode Hall Law School. Candidates wishing to take advantage of this GMAT waiver must send a request to Osgoode's Admissions Office to have their LSAT scores transferred to the Schulich School of Business.

While most students apply to the Joint program prior to commencement of either their JD or MBA degree studies, students completing their

first year of either program may also be considered for admission to the Joint Program, upon appropriate application to the other Faculty.

Graduation Requirements

- 45.00 credit-hours of Schulich School of Business courses
- 81 credit-hours of Osgoode Hall Law School courses (36 first year and at least 45 upper year)
- successful completion of the Upper Year Research and Writing requirement (one in Year 3 and one in Year 4)
- 40 hours Osgoode Public Interest Requirement (as per our Handbook)
- successful completion of the Praxicum requirement
- successful completion of Indigenous & Aboriginal Law Requirement

The Academic Program

Year 1

EITHER

- 27 credit-hours of Schulich MBA 1 Required Foundations of Management Core Courses
- 3 credit-hours of Schulich MBA elective courses

OR

- 36 credit-hours (9 courses) of required Osgoode Hall Year 1 curriculum

Students with previous business degrees who receive waiver with replacement for Schulich MBA 1 Required Core Courses must replace these core courses with Schulich elective courses. (There is no advanced standing granted in the JD/MBA program.)

Note: All joint JD/MBA students are required to take MGMT 5500.00 at Schulich in their first year of the Joint Program. This is a compulsory non-credit seminar course.

Year 2

- the Year 1 required program in the other school

Years 3 and 4

Students in the JD/MBA Joint Program enrol in a normal full-time course load of between 13 -17 credit-hours of courses per term (consisting of a combination of JD and MBA courses, in the third and fourth years of the program).

Note:

- Students will not be eligible to advance to the final two years of the joint degree program if their grade point average (GPA) in the first year of Osgoode is lower than 5.5 (B), or is lower than 5.0 (B) in the first year of Schulich.
- Students ineligible to continue in the Joint Program may continue separately in either the MBA Program at Schulich or the JD Program at Osgoode, provided they maintain the required standards of the respective program.

A combination of Schulich and Osgoode courses, consisting of the following, are required in Years 3 and 4 of the Joint Program:

- at least 15 credit-hours at Schulich (note that for the MBA, two required Foundations of Management Core Courses: SGMT 6000 3.00 Strategic Management and MGMT 6090.00/MGMT 6100. 3.00 Strategy Field Study can be taken in either Year 3 or Year 4 of the Joint Program).
- at least 45 academic credits of Osgoode Hall Law School courses, including LW 3820 3.00, the mandatory 4th-year JD/MBA Seminar at Osgoode
- completion of the Upper Year Research and Writing Requirement (a major paper of at least 7000 words worth at least 60% of the course grade in each of year 3 and 4 of the joint program)
- completion of the Praxicum Requirement

- 40 hours Osgoode Public Interest Requirement (as per our Handbook)

For further information and details about the curricular requirements of the Joint Program or typical career opportunities that emanate from the Joint Program , please contact the Program Director, Professor Peter Macdonald, pmacd@rogers.com, and/or visit the [Schulich website](#).

JD/MES Joint Program

The Master in Environmental Studies/JD Joint Program was established in 1974 between Osgoode and the Faculty of Environmental Studies (FES). The first and only program of its kind in Canada, it is at the cutting edge of interdisciplinary teaching and research in law and environmental studies nationwide.

The purpose of the JD/MES Joint Program is to encourage the integration of these two critical fields of study and to prepare students for a range of opportunities in environmental affairs, law or planning. It offers students the opportunity to complete both the MES and JD degrees in just under four years, approximately one year less than it would take to complete the two degrees separately.

This unique program brings together one of Canada's top law schools with one of its most innovative environmental studies faculties. It draws upon Osgoode's recognized strength in social justice, environmental, planning and Indigenous law, and FES's acclaimed leadership in interdisciplinary environmental education.

The program attracts a select group of some of the best students interested in the environment and law nationwide. There are typically around 20 students in the program at any time. They are often among the strongest in both the JD

and MES classes and have won numerous prestigious awards and scholarships. Graduates of the program have gone on to a variety of rewarding positions in government, private law firms, non-profit organizations, business, the academy and other settings.

Admissions

Applicants to the joint program must apply and be admitted separately to the MES and JD programs. Upon admission to both Faculties, students are admitted to the joint program. Students typically apply to both programs simultaneously, but may also apply to the joint program during their first year in either the MES or JD program.

For information regarding the MES application deadlines and admission requirements visit the Faculty of Environmental & Urban Change (EUC) website.

The minimum, and typical, time to complete the Joint Program is 3 2/3 years of full-time study. Students must satisfy the requirements of both the JD and MES degrees to graduate from the joint program. Successful integration of the two fields is challenging, and approaches to integration take many forms. Each student prepares an individualized MES Plan of Study. This Plan of Study is the central feature of each student's academic activity in the joint program and outlines the intellectual framework for integrating the fields of environmental studies and law. Joint program students are also required to participate in and contribute to the JD/MES program seminar series. Four seminars are offered each academic year.

Students in the MES program progress through three stages:

- MES I: Students formulate their initial Plan of Study. This stage usually encompasses one term of full-time study.
- MES II: Students pursue formal coursework, individual directed studies and/or field experience, and draft their Major Research Paper, Project or Thesis proposal. This stage usually encompasses 1-2 terms of full-time study in EUC and/or Osgoode.
- MES III – students complete the Major Research Paper, Project or Thesis. This stage usually encompasses 1-3 terms of full-time study in EUC and Osgoode.

The MES Major Research Paper or Project focuses on integration of environmental studies and law. Osgoode professors are available to supervise Joint Program students' research. The Major Research Paper also qualifies for Osgoode's Research & Writing Requirement.

Sequence of Study

Students may choose to start the program either at EUC or at Osgoode. This affects the sequence of study in Years 1 and 2, but Years 3 and 4 are roughly the same for both options.

In exceptional circumstances, it is possible for students to apply for entry to the MES/JD joint program during their 2L year. In this pathway, certain unique aspects of the MES/JD program apply. Interested students should contact the Osgoode joint program coordinator, Prof Dayna Scott at dscott@osgoode.yorku.ca for more details.

Year 1

- OPTION A: Start at EUC: Students register full time in the MES Program for the Fall, Winter and Spring/Summer terms.
- OPTION B: Start at Osgoode: Students register full time in the JD First Year

Program for the Fall and Winter terms.
They have the Spring/Summer term free.

Year 2

- **OPTION A:** Students who started the program at EUC the previous year register full time in the JD First Year Program for the Fall and Winter terms and register full time in the MES program for the Spring/Summer term.
- **OPTION B:** Students who started the program at Osgoode the previous year register full time in the MES Program for the Fall, Winter and Spring/Summer terms.

Year 3

Students register full time in the JD upper year program for the Fall and Winter terms. They register full time in the MES program in the Spring/Summer term, working on the MES Major Research Paper Project, or Thesis, and/or pursuing a law-related work placement which qualifies for MES credit.

Year 4

Students register full time in the JD upper year program for the Fall and Winter terms. They complete the MES Major Research Paper, Project or Thesis if not already completed. They pass the MES final examination and convocate from the joint program in the Spring.

Completion

Normally, students complete both the MES and JD degree requirements by the end of the Winter term of the fourth year of the program. In total, students must register for six terms at Osgoode and usually 4-5 terms at EUC. Up to 15 MES credits may be counted toward the JD degree. This allows students to take a reduced Osgoode course load in Years 3 or 4 to devote time to their MES Major Paper, Project or Thesis.

Some students may need to register for an additional term(s) in EUC to complete the MES requirements, and in some cases, this may delay graduation from the JD program and commencement of the articling or bar admission process.

Adequate participation in the JD/MES Program Seminar Series, as determined by the JD/MES Program Coordinators, is an MES degree requirement for JD/MES students.

Graduate Student Status

Once students are registered in the MES portion of the Joint Program, they attain graduate student status for the duration of the Joint Program, even when they are registered in the JD program at Osgoode. To maintain this status, Joint Program students must pay a nominal fee to EUC during each term that they are registered at Osgoode. As graduate students, Joint Program students are eligible for graduate student funding, including Graduate Assistantships at FES and Osgoode, and Teaching Assistantships in any York faculty. When registered full time at Osgoode, Joint Program students are also eligible for Osgoode scholarships, awards and bursaries including undergraduate awards.

Fees

Students pay regular JD tuition fees to Osgoode for the six terms they are registered at Osgoode. They pay regular MES tuition fees to EUC for the terms they are registered at FES plus the \$15 FES registration fee for each term they are registered at Osgoode. MES tuition fees are usually covered by the Graduate Fellowship received by all MES students.

Questions about the JD/MES joint program may be directed to Law faculty coordinator,

Professor Dayna Scott
dscott@osgoode.yorku.ca.

JD/Master of Arts (MA) in Philosophy Joint Program

The joint Juris Doctor/Master of Arts in Philosophy (JD/MA) program, offered by Osgoode Hall Law School and the Department of Philosophy at York University, provides students with the opportunity to develop skills and acquire knowledge at the many intersections of law and philosophy. It is the only program of its kind in Canada, and it draws on Osgoode's existing strength in legal theory and the Department of Philosophy's recognized strength in moral, political, and legal philosophy. The program is ideal for students who either wish to pursue further post-graduate study and, ultimately, an academic career, or plan to seek out opportunities in legal practice and want to enhance their demonstrated capacity for research, writing, and sustained analysis.

Students must apply and be admitted separately to both the JD and MA programs, indicating their interest in the dual program. The program is completed over four years. In the first year of the program, students complete the first year of the JD program. In the second year, they enter the MA program on a full-time basis and complete the coursework component of the MA degree. In the third and fourth years, students return to the JD program, but they are encouraged to take an additional graduate course in philosophy, and they are required to complete a major research paper on a topic at the intersection of law and philosophy, jointly supervised by a faculty member in the law program and a faculty member in the philosophy program. Successful completion of the dual program will be validated by the

issuance of two parchments, one for the JD and one for the MA, and transcripts issued in relation to the two programs will include a clear statement of the nature of the dual program.

For more information about the JD/MA program, please contact one of the program's directors: Professor Michael Giudice (giudice@yorku.ca) or Professor Palma Paciocco (ppaciocco@osgoode.yorku.ca).

JD/LLB (Civil Law) Degree Program

Fourth Year Degree - Osgoode Hall Law School /
Université de Montréal, Faculté de Droit

Osgoode Hall Law School of York University and the Faculté de droit, l'Université de Montréal have established a program for the granting of the York degree in common law and the Montréal degree in civil law for law graduates from either institution.

The program has been established to develop a closer academic relationship between the two law schools. As part of the Program, opportunities have been created to enable the students at each school to develop and strengthen a bilingual and bicultural understanding of Canadian legal institutions.

An Osgoode JD graduate is given two years advance standing towards the Montréal civil law degree and, on successful completion of one year of study in civil law at l'Université de Montréal, will be awarded the Montréal LLB (Civil Law) degree. Likewise, a Montréal graduate is granted two years advanced standing at Osgoode and can obtain the Osgoode JD degree with one year of study.

For more information about the JD/LLB (Civil) program, contact the program director, Professor S. Drummond (sdrummond@osgoode.yorku.ca).

EXCHANGE PROGRAMS AND LETTERS OF PERMISSION

Law students around the globe have come to regard the opportunity to study abroad or at another institution as an important way of enriching their law school experience. Osgoode has joined the front rank of law schools that offer this wonderful opportunity to their students.

Osgoode has identified many opportunities for study abroad in over 14 countries. In addition, students may apply for a Letter of Permission if they wish to propose a study-abroad program at a university which is not on the exchange list. Opportunities fall into four categories:

- Exchange programs, either one term or one year;
- Study abroad programs run by foreign universities, including during the summer months;
- Letters of permission to study at another institution of your choice for up to one academic year;
- Placements and Internships.

How to Apply to Osgoode Exchanges

International experience has become increasingly valuable for law students who wish to practice private international law or public international law, who wish to work for NGOs or in any number of advocacy positions, or who wish to pursue any kind of work or academic study that has implications that go beyond the confines of our borders. To this end, Osgoode

has been building on its international ties with universities around the globe to create opportunities of international study for Osgoode students.

Exchange Opportunities

- Australia: Monash University
- Belgium: Katholieke Universiteit Leuven
- Canada: Université de Montréal
- China: Chinese University of Hong Kong; University of Hong Kong
- Denmark: University of Copenhagen
- England: University of Kent; Queen Mary University
- France: Aix-Marseille University
- Germany: Bucerius University
- Ireland: Trinity College Dublin; University College Dublin
- Israel: Bar Ilan University; Hebrew University
- Japan: Waseda University
- Luxembourg: University of Luxembourg
- Netherlands: University of Amsterdam; Vrije University
- Scotland: University of Edinburgh; University of Strathclyde
- Singapore: National University of Singapore
- Sweden: Lund University
- Switzerland: University of St. Gallen

Details on [international and exchange programs](#) can be found on the Osgoode website.

For more information and assistance, you may contact Karen Willoughby, International & Academic Programs Coordinator at karenw@osgoode.yorku.ca.

The application deadline falls in early January for the following academic year. Applicants

should be in good academic standing and have a minimum B average in their law studies.

The application is available through MyJD starting in late November.

York International Exchange Programs

York University international exchange programs allow Osgoode students to spend a semester or a year at a Faculty of Law at an even greater number of overseas universities. Some universities with which York has developed exchange programs are Flinders University of South Australia, University of Stockholm, Keele University (England), University of Helsinki (Finland), and Tel Aviv University (Israel). For more information you may visit the [York International website](#).

LAW SOCIETY INFORMATION

Admission to the Practice of Law in Ontario

The following information is a very general overview of the process for being admitted to the practice of law in Ontario. Please ensure you visit the [Law Society of Ontario](#) (“Law Society”) website for information relating to the licensing process for your projected year of call. In addition, the Career Development Office will provide important information throughout the year via email and share updated resources on MyCareer.

Please note that adjustments were made to the licensing process due to the COVID-19 pandemic. For those commencing an articling placement between May 1, 2020, and April 28, 2023, the minimum required length of the articling placement was reduced from ten months to eight months. At the time of this writing, it is unknown whether these

adjustments will still be in place for those who will commence articles beyond April 30, 2023. Please refer to the Law Society’s website for the most up-to-date information. The information below will make reference to the typical 10-month articling term.

As an overview, to be admitted to the practice of law in Ontario, you must:

- have successfully completed all components of the Licensing Process as required (more details below);
- have paid all Law Society fees, including the experiential training fee and the call to the bar fee;
- have filed the required documents;
- be of good character, as required by section 27(2) of the Law Society Act - candidates have a continuing obligation to keep the responses to the questions set out in the Good Character Section of their Application current, complete and correct prior to the date of call; and
- have submitted all the required call to the bar related documents.

The academic requirements for applying and entering the Lawyer Licensing Process are as follows:

- Successful completion of an LLB or JD degree that has been accepted by the Federation of Law Societies of Canada; or
- Possessing a Certificate of Qualification from the Federation’s National Committee on Accreditation.

An Osgoode Hall Law School JD degree is accredited by the Law Society of Ontario for enrolment in the Licensing Process.

Licensing Process Information

The Licensing Process

The focus of the licensing process is to ensure that candidates have demonstrated that they possess the required competencies at an entry-level in order to provide legal services effectively and in the public interest.

Professional competency is achieved through a combination of knowledge, skills, abilities, and judgment.

Structure

The current licensing process in Ontario for lawyer candidates consists of the following components:

- Licensing Examinations (the Barrister Examination and the Solicitor Examination);
- Complete the Experiential Training Component which consists of:
 - Articling term (typically 10 months); OR
 - Completion of the Law Practice Program; and
- Completion of the “Good Character Requirement”.

You must successfully complete the Licensing Examinations and either 10 months of articles or the LPP, submit all required documents, and pay all required fees to be eligible to be called to the Bar of Ontario.

Registration

Typically, the registration for the licensing process will take place in the fall term of your third year. Information about registration will be circulated through the Career Development Office and will also be available on the Law Society website.

The Licensing Examinations

The Licensing Examinations will consist of a self-study Barrister Examination and a self-study Solicitor Examination. The Licensing Examinations assess entry-level competencies, which have been defined by the legal profession through a rigorous development and validation process. A competency is defined as the knowledge, skill, ability, attitude or judgment required for entry-level practice. Additional information on the Licensing Examinations can be found [here](#).

Experiential Training Component

Experiential training enables candidates to apply their formal learning and develop their skills, professional abilities, judgment, and to learn about what it means to be a lawyer. The experiential training component of the Licensing Process is designed to assist the candidate to become prepared for entry-level practice.

The two approved experiential training pathways are the Articling Program and the Law Practice Program. Both pathways fulfil the required experiential training competencies for candidates established by the Law Society.

- **Articling**

Candidates registered in the Licensing Process may begin the Articling Program at any time upon completion of a JD or LLB or receipt of an N.C.A Certificate of Qualification.

The Articling Program requires candidates to work consecutively for 10 months with an approved Articling Principal. The Law Society may not recognize any time served during an articling placement with an unapproved Articling Principal; therefore, candidates are required to confirm that their Principal has

been approved to serve as an Articling Principal before starting the placement. See the [Articling Principal section](#) of the Law Society website.

Candidates are responsible for finding their own articling placement, and the Law Society has resources like the Articling Registry and the Mentorship Program to help with their search. The Career Development Office will assist students with the creation/updating of resources on articling, posting advertised positions MyCareer, and facilitate information sessions.

- **Law Practice Program (LPP)**

The LPP consists of a four-month training course and a four-month work placement. Candidates who select the LPP experiential training path must complete both the training course and the work placement. The program runs consecutively from late August/early September until the end of April. Presently, [Ryerson University](#) provides the English program and the [University of Ottawa](#) provides the French program.

- i. English LPP at Ryerson University**

The LPP at Ryerson University is typically held from late August to the end of April annually. The training course component will run from the end of August to the end of December, and the work placements will run from early January to the end of April. The LPP at Ryerson replicates the experience of working in a law firm using interactive web-based modules and digital simulation tools. The training course component of the LPP at Ryerson is offered largely online. However, candidates will be required to attend in person in Toronto for approximately three

weeks (pending any limitations regarding the COVID-19 pandemic).

- ii. French LPP at Ottawa University**

The LPP at the University of Ottawa is typically held from early September to the end of April annually. The training course component will run from early September to the end of December and the work placements will run from early January to the end of April. The LPP at the University of Ottawa provides intensive, hands-on training in a smaller group format. Candidates are required to attend in person in Ottawa for the duration of the four-month training course (pending any limitations regarding the COVID-19 pandemic).

The University of Ottawa requires that candidates enrolled in the LPP be fluent in French in order to maximize success in the interactions, skills activities and assessments. Candidates who have not previously studied law in French will be required to successfully complete a language proficiency examination before being accepted into the French LPP. The proficiency examination will be administered by the University of Ottawa. Candidates are encouraged to check the University of Ottawa's Law Practice Program website in English or French.

If you are interested in the LPP, you are encouraged to consult the applicable program's website ([English](#) or [French](#)) for the most up-to-date information, including the exact program delivery dates and registration deadlines. The Career Development Office also advertises the annual information sessions and posts them in the Events Calendar in MyCareer.

The Importance of a Well-rounded Law School Curriculum

The Law Society neither requires nor recommends that students limit their curriculum to the subject matters covered in the licensing examinations and does not require students holding an accredited JD to have completed particular courses in law school (other than the law school mandatory courses) before entering the Licensing Process.

The Law Society also recognizes the importance of a diverse student curriculum. The constant changes in both the practice of law and in societal demands require that lawyers have a strong theoretical grounding while having the ability to take an inter-disciplinary and comparative approach to law that is also informed by the interaction of international and transnational law with law in Canada. A well-rounded law school education will meet both the interests of each student and society's need for competent and sophisticated legal services.

NOTE: It is important that persons in any of the following special categories contact the Law Society of Ontario for information on special requirements: a member of the Bar of another jurisdiction; a holder of a civil law degree only; a holder of a law degree from a jurisdiction other than Canada; and a full-time faculty member of an Ontario law school.

Licensing Outside of Ontario

Students intending to apply for admission to the bar outside Ontario should check with the provincial law society/applicable governing body to ascertain the educational requirements of admission. The requirements of each law society change from time to time and students should ensure that they have the current requirements. The Career Development Office provides high-level information on articling

processes across Canada annually, and can assist students in accessing resources for other jurisdictions.

FACULTY ON SABBATICAL/LEAVE

- Professor G. D'Agostino – Winter term
- Professor S. Daum Shanks – Fall & Winter terms
- Professor L. Dufraimont - Winter term
- Professor B. Geva – Winter term
- Professor S. Kierstead - Winter term
- Professor S. Lawrence – Fall & Winter terms
- Professor J. Mosher – Fall term
- Professor R. Mykitiuk – Fall & Winter terms
- Professor O. Okafor – Fall & Winter terms
- Professor S. Rehaag - Fall & Winter terms
- Professor M. Simmons – Fall & Winter terms
- Professor S. Slinn – Fall & Winter terms
- Professor F. Tanguay-Renaud – Winter term
- Professor E. Van Wagner – Fall & Winter terms
- Professor D. Vaver – Fall term & Winter terms

COURSE INFORMATION TABLES

The list of courses and seminars offered in the 2022-2023 academic year is found on MyOsgoode. Click the Syllabus and Enrolment button and then the Course & Seminar Information Tables link.

The enrolment figures in the tables are useful when attempting to letter prioritize your course selections. These figures represent the course enrolment and demand the last term the course was taught by that specific instructor. The initial

demand indicates the number of students that assigned a letter priority to that particular course or seminar. The final enrolment figure indicates the number of students who were enrolled in that course at the end of the add/drop period. Please note that enrolment demand fluctuates and the figures presented may not accurately reflect future results.

Note: The sections of Business Associations, Evidence, Indigenous Peoples & Canadian Law, Taxation Law, and Trusts had a reduced maximum enrollment last year (2021-2022) due to the addition of sections as part of the University's response to the pandemic. Last year's demand figures for these courses were based on course demands as follows:

Business Associations 60; Evidence 50;
Indigenous Peoples, 65; Taxation Law, 80;
Trusts, 50.

If an instructor has not taught the course before, the initial demand figure will appear as N/A. If the course or seminar is new to the curriculum, the demand figure will display as "new."

Course numbering:

- Courses without prerequisites: 2000's;
- Courses with prerequisites: 4000's.
- Seminars without prerequisites: 3000's
- Seminars with prerequisites: 5000's

Fall Cour										
l i	n ruc or i	S c on	Hour	our #	Cr d Valu	La Off r d	In al D mand	Max	F nal	
Adm n strat ve Law	Glover Berger	A	4	2010	4	F21	67	70	FULL	
An mals and the Law	Bo sselle i	A	3	2370	3	New i	N/A i	50	N/A	
Bus ness Assoc at ons	Ell n d s	A	4	2020	4	F21 i	74 i	70	FULL	
Bus ness Assoc at ons	Ffolkes-Goldson	B	4	2020	4	N/A	N/A	65	N/A	
Collect ve Barga n ng Law i	De Stefano	A i	4 i	2515 i	4 i	N/A	N/A	70	N/A	
Commerc al Law	Geva	A	4	2030	4	F21	19	70	26	
Computers, Informat on & The Law	Hounsell	A	3 i	2980	3 i	New	N/A i	40	N/A	
Confl ct of Laws i	Walker i	A	4	2040	4	F21 i	20	70	23	
Copyr ght	Cra g	A	4	2870	4	W17	44	70	66	
Cr m nal Procedure	Tanguay-Renaud	A	4	2690	4	W22 i	38 i	70	38	
D sab l ty & the Law i	MacGregor i	A i	3 i	4905	3 i	F20	11 i	20	11	
Env ronmental Law	Pasternack	A	4	2880	4	N/A i	N/A i	70	N/A	
Estates	Black i	A	4	2050	4	F21	99	70	FULL	
Ev dence i	Berger	A i	4	2490	4	W20	98	70	FULL	
Ev dence i	McKechney/ We nste n	B	4	2490	4	F21	9	70	22	
Fam ly Law	Drummond	A	4	2060	4	F21	24	70	44	
Fam ly Law l i	Kraft/Tsao	B	4 i	2060	4 i	W20	25	70	26	
Imm grat on Law	M thoowan / McElroy	A		4270 i	4	F21	35	70	47	
Ind genous Peoples and Canad an Law	Bhat a i	A	4	2110	4	F21	65	75	74	
Ind genous Peoples and Canad an Law	Hew tt	B	4	2110	4	F21	82	75	72	
Ind genous Peoples and Canad an Law	W lk ns	C	4	2110	4	N/A	N/A	50	N/A	
Insurance Law	Camp s		4	2280	4	F21	21	30	29	
Internat onal Bus ness Transact ons i	Geva i	A i	3 i	2890 i	3 i	F21	17 i	65	26	
Internat onal Env ronmental Law: Protect on of the Global Env ronment	Bandopadhyay i	A	3	4880	3	N/A	N/A i	65	N/A	
Internat onal Trade Regulat on i	Wa		4	2290	4	W22 i	13	70	20	
Jur sprudence	K dd Wh te	A	3	2720	3	F21	14 i	20	17	
Labour & Employment Law i	Sm th i	A	4 i	2315 i	4	N/A i	N/A i	70	N/A	
Law & Soc al Change: The R se of Env ronmental, Soc al & Governance Expectat ons n Bus ness i	Campbell/Gee i	A	2	2751E	3	New	N/A i	20	N/A	
Legal Draft ng	Sh n Do		3	2140 i	3	F21 i	40	50	45	
Legal Eth cs i	Bethell	A	3 i	2059	3 i	N/A i	N/A i	20	N/A	
Patents	Mgbeoj		4	2330	4	F21	20	70	27	
Publ c Internat onal Law	Saber		4	2340	4	F21	32	70	40	
Real Estate Transact ons i	Pearlste n i	A	4	2070	4	F21	56	70	FULL	
Refugee Law	Balasundaram	A	4	2470	4	N/A	N/A	70	N/A	
Regulat on Of Compet t on	D Domen co i	A i	3 i	2350	3 i	F21	37	70	43	
Secur tes Regulat on i	Cattanach/ W ens	A	4	2620	4	W22 i	90 i	70	FULL	
Statutory Interpretat on i	Kettles/ Jenner/ Porter i	A	3 i	2930	3 i	F21 i	23	50	28	
Taxat on Law i	L		4 i	2080 i	4 i	F20	23	70	38	

Fall Semester									
File #	Instructor	Section	Hours	Prerequisites	Credit Value	Location	Practical Demands	Max Credits	Final
Administrative of Criminal Justice: Wrongful Conviction	Johnson	A	2	5010D	3	N/A	N/A	20	N/A
Beyond Bay St.: Starting up a Small or Solo Practice	Bhabha/Pearlman	A	2	3550	3	W21	18	20	14
Children and the Law	McGerr, Ksenik		2	5230	3	F21	20	20	FULL
Class Actions	Walker	A	2	3011	3	F21	27	20	19
Comparative Law: Indigenous Legal Traditions	Bosselle	A	2	3040P	3	F15	8	20	11
Constitutional Litigation	Fenrick/Krajewska	A	2	3630	3	F14	12	20	14
Consumption Tax Law	Oza		2	3066	3	N/A	N/A	20	N/A
Governance of the International Financial System	Van Harten	A	2	3610	3	W19	20	20	15
Health Law	Bryan/Rosen	A	2	3004	3	F21	18	20	17
International Dispute Resolution: Sports Disputes & Arbitration	Meghen/Bunting	A	2	3007E	3	New	N/A	20	N/A
International Human Rights	Yap	A	2	3440	3	New	N/A	20	N/A
Law of War	Mgbeoj		2	3730	3	W22	20	20	12
Lawyer as Negotiator	Thompson	A	3	3960	4	F21	137	80	FULL
Law, Society & State: Cybercrime	Fawcett	A	2	3520C	3	New	N/A	20	N/A
Law, Society & State: Derivatives Law & Crypto Contracts	Fine	A	2	3520D	3	New	N/A	20	N/A
Legal Values: Advanced Criminal Law (Race & Racism)	Cudjoe/Mrzi	A	2	3592Q	3	F21	16	20	18
Legal Values: Commercializing IP	DeFazekas/Lam	A	2	3591M	3	F21	8	20; 10 Lasonde	16
Legal Values: Law in the Time of Catastrophe	Bandopadhyay	A	2	3592Z	3	F21	8	20	12
Legal Values: Prison Law, Policy & Reform	Martinez	A	2	3592S	3	F21	28	20	FULL
Legal Values: Theoretical Foundations of Contract Law	Nadler	A	2	3592X	3	F21	6	20	19
Regulation of the Canadian Cannabis Industry	Hall/Taschereau	A	2	3592K	3	F21	19	20	FULL
Regulatory Offences	Lisman	A	2	3650	3	F21	9	20	15
Theory and Practice of Mediation	Moldaver	A	3	5960	4	N/A	N/A	20	N/A
Trial Advocacy	Rosenthal	A	3	5270	4	F21	60	60	57

Winter C r e

item	Instructor	Section	Hours	Prereq#	Credit Value	Seats Offered	Initial Demand	Maximum	Final
Administrative Law	Glover Berger	P	4	2010	4	F21 m	67m	70	FULL
Administrative Law m	Bethell	Q	4	2010	4	N/A	N/A	60m	N/A
Advanced Torts	Sutherland	M	3	2480	3	W21 m	37 m	70	35
Bankruptcy & Insolvency Law m	Kauffman a	M	4 m	2430	4 m	W22	39	70	44
Business Associationsm	Choudhury m	P m	4	2020 m	4	W22 m	36	70m	40
Business Associations	Mehdi/ Kerli an	Q	4 m	2020	4 m	New m	N/A m	65 m	N/A
Civil Liberties	Ryder	M	3	2220	3	W21	27	40m	35
Civil Procedure II m	Watson	M	3	2230	3	W22	38	70	49
Constitutional Law	Ellinidis m	P m	4	2030 m	4	W21 m	81	70	FULL
Contracts II	Nadler	M	3 m	2460	3 m	W22	74 m	70 m	59
Criminal Law II: Sexual Offences m	Chapman/ Bineen	M m	3 m	2240E	3 m	F18	24 m	20	FULL
Criminal Procedure	Greene/ Lau-Po- Hung	P	4	2690	4	F21	47	70	56
Emerging Technologies: Law, Policy and Governance	Penney	M	4	2003	4	F21 m	54	70	55
Estates	Michaud	P	4	2050	4	N/A m	N/A m	70	N/A
Evidence	Paciocco	P m	4	2490	4	W22	104	70	FULL
Evidence	Goddard/ S. Walker	Q	4	2490	4	W22	23	70	34
Family Law I m	Dmond m	P	4 m	2060 m	4 m	F21 m	24 m	70m	44
Globalization & the Law m	Azee		3	2008	3	N/A m	N/A m	20; 5 upper	N/A
Indigenous Peoples and Canadian Law	Boisselle	P	4	2110	4	W22	40	75	62
Indigenous Peoples and Canadian Law	Craig-Curnow	Q	4	2110	4	N/A m	N/A	50	N/A
International Employment Relationship	Bhabha	M m	4 m	2550	4 m	F21	14 m	70	30
International Law & Development: Trade, Investment & Human Rights m	Buchanan m	M	4	2710	4	W21 m	19	40m	21
International Taxation m	Wilkie	M	4	4150	4 m	W22	13	30	16
Jurisprudence	Priel	P	3	2720 m	3	W17	10	20m	12
Law & Social Change: Disability, Technology and Law	Saberi	M	3	2751G	3	New	N/A m	20; 5 upper	N/A
Law & Social Change: Documentary Filmmaking and Visual Legal Advocacy	Buchanan m	M m	2 m	2751C	3 m	New m	N/A m	14 m	N/A
Law & Social Change: Policing	Flurfe/ Scrutton	M	2 m	2750B	3	N/A m	N/A m	20m	N/A
Legal Drafting	Malysheuski	M	3	2140	3	W21	54	50	FULL
Legal Ethics m	Farrow	M m	3	2059	3	W22	9 m	20m	FULL
Real Estate Transactions	Speers	Q	3	2070	3	W22	62	70	52
Real Estate Transactions m	Carter m	P	3	2070	3	W22 m	33	70	39
Restitution m	McCa s u	M	4 m	2360	4 m	F21	10	70m	13
Securities Regulation	Skwarek m	M	3 m	2620	3 m	F21 m	36	70	41
Taxation Law	Ozai	P m	4	2080	4	W22	28	70	57
Taxation Law	Trieu	Q	4	2080	4	N/A m	N/A m	70	N/A
Taxation of Business Enterprises	Turner	M	4	4100m	4	W22	33	65 m	33
Trade Marks	Mgbeoji m	M	4	2170	4	N/A m	N/A	70	N/A
Trusts	Girard	P m	4	2090 m	4	W22	40m	70	39
Trusts m	Parachin m	Q m	4 m	2090 m	4 m	F21 m	50 m	70	FULL m

Winter Semester										
Item	Instructor	Section	Hour	Section #	Credit Value	Term Offered	Initiated	Maximum	Final	
Administration of Civil Justice: Estate Litigation	Black	M	2 m	3010B	3	W22	15	15	13	
Administration of Criminal Justice: Justice 360	Chaffe/ Pilla/ Fraser	M	2	5010H	3	W20	16	20	19	
Administration of Criminal Justice: Mental Illness	Bonnet	M	2 m	5010G	3 m	F20	11	20m	11	
Advanced Commercial Litigation Workshop	McKenna/ McLachlan/ Swan	M	3	5005	4 m	W22	22m	20	19	
Chinese Law	Boittin	M	3 m	3130	3	F20	12	20; 5 upper	11	
Climate Change Law	Bandopadhyay/ Van Harten	M	2	3830	3	New	N/A	14	N/A	
Comparative Law: Comparative Constitutionalism	Kandane	M	2	3040Q	3	New	N/A	20	N/A	
Comparative Law: International & Comparative Labour Law	Azee		2	3040N	3 m	N/A	N/A	20	N/A	
Comparative Law: Privacy & Access to Information	Power	M	2 m	3040X	3	W21	6 m	20; 5 upper	FULL	
Constitutional Litigation	Schwartz	P	2	3630	3	W22	26 m	20	FULL	
Directed Reading: IP Innovation Clinic	D'Agostino/ Moniz	M	4	6001S	4	W22	10	15	13	
Directed Reading: Legal History Workshop	Girard	M	2	6001J	3	W22	10 m	15 m	13	
Directed Reading: Venture Capital Project	Cher	M	2 m	6001K	4 m	N/A	N/A	20	N/A	
Entertainment & Sports Law	Selznick	P	2	3840	3	W22	35	20	16	
Fundamental Justice and the Charter	Sheppard	M	2 m	3060	3 m	New	N/A	20m	N/A	
ICT Colloquium	Van Harten/ Bandopadhyay	M	2	5810	3	N/A		10m	N/A	
Indigenous Perspectives and Realities	Gansworth	P	3	3833	4	W22	50	20	FULL	
Intensive Legal Research & Writing	Dina/ Wang	M	2 m	3920	3	N/A	N/A	20	N/A	
Joint JD/MBA Seminar	O'Sullivan	M	2	3820	3	W22	N/A	25 m	19	
Labour and Employment Law and Policy Colloquium	De Stefano	M	2 m	5550	3 m	N/A	N/A	20m	N/A	
Labour Arbitration	Rasovic	M	2 m	5070	3	N/A	N/A	20	N/A	
Land Development & Commercial Real Estate Problems	Stross	M	2 m	5160	3	W22	29 m	20	FULL	
Law & Religion in Legal, Social, and Political Perspective	Akande	M	3	3160	3	N/A	N/A	20	N/A	
Law, Gender, Equality	Nedelsky	M	2	3039	3	W22	N/A	20; 7 upper	15	
Legal Values: Access to Justice	Chiodo	M	3	3591Z	3	N/A	N/A	20; 5 upper	N/A	
Legal Values: Commercializing IP	De Fazekas/ Grant	P	2 m	3591M	3 m	W22	8 m	20; 10 Lassonde	16 m	
Legal Values: Copyright Policy in the Making	Craig	M	2	3591X	3	W22	3 m	10	2	
Legal Values: Law & Literature	Sutherland	M	2 m	3590V	3	W21	18	20	17	
Legal Values: Property, the Environment, and Equality	Nedelsky	M	2	3593E	3	W22	N/A	20	7	
Litigation Dispute Resolution and the Administration of Justice Colloquium	Walker	M	2 m	5007	3	N/A	N/A	12	N/A	
Tax As Instrument of Social & Economic Policy	Li	P	3	3006	3	W22	6 m	20; 5 upper	FULL	
Tax Law and Policy Colloquium	Ilkie	M	2 m	5330	3	W22	4	10	3	
Taxation of Corporate Transactions	McIsaac/ Colborne	M	2	5210	3	N/A	N/A	20	N/A	
U.S. Securities Regulation in Comparative Perspective	Ritchie	M	2 m	5620	3 m	W22	31 m	20	17 m	

Administration of Civil Justice: Estate Litigation

(3010B.03 M) *Seminar*

Instructor(s): H. Black; Adjunct Professor

Winter: 3 credits; 2 hours; max. enrollment: 15

Prerequisite Courses: Co or pre-requisite - Estates

Preferred Courses: None

Presentation: Discussion, lectures, student presentations

Upper Year Research & Writing Requirement: Yes

Practicum: No

This seminar will examine the substantive, procedural, and practical issues surrounding litigating certain claims by and against estates. Topics may include, depending upon available time, a detailed review of will challenges, dependant support claims, appointment and removal of estate trustees, passing of accounts, quantum meruit claims, and solicitor's negligence in drafting wills. We will also examine the role of mandatory mediation and other negotiation techniques in resolving estate litigation. Students will also participate in a mock mediation exercise.

For each of these topics, we will explore how a client's case is developed through the interaction of the case law, the Rules of Civil Procedure, the applicable statutes, the rules of evidence, and the psychology of the family unit.

Evaluation: Research paper (7,000 words) - 70% of final grade

Class attendance, participation, and student presentations - 30% of final grade.

Administration of Criminal Justice: Justice 360

(5010H.03 M) *Seminar*

Instructor(s): Justice J. Chaffe, A. Pilla & Justice P. Fraser; Adjunct Professors

Winter: 3 credits; 2 hours; max. enrollment: 20

Prerequisite Courses: First-Year Criminal Law

Preferred Courses: Criminal Procedure

Presentation: Discussion, participation

Upper Year Research & Writing Requirement: Yes

Practicum: Yes

This course is designed to provide students with a unique, holistic survey of the criminal justice system from all perspectives, an appreciation that all parts of the system are interrelated, and some assessment of how effectively it contributes to a just society.

Students will hear from and engage in discussion with exceptional leaders from different parts of the justice system, including: the former Attorney General of Ontario, the former Chief of the Toronto Police Service; Judges of the Superior Court Justice and the Ontario Court of Justice; a family member of homicide victims; an offender convicted of manslaughter; a leading forensic psychiatrist; as well as prominent Crown Attorneys, defence counsel, probation and corrections officials, and representatives of the fourth estate.

Students will review selected readings covering the constellation of theory, law and policy regarding each stakeholder's role. Each panel of speakers will provide the class with a clear idea of the theoretical role that they play in the system and how that role actually plays out "on the ground." The class and panel will discuss what is required to close the gap between theory and practice.

Evaluation: : Discussion and Class Participation – 40%; 7000 word research paper fulfilling the UYRWR – 60%.

Administration of Criminal Justice: Mental Illness

(5010G.03 M) *Seminar*

Instructor(s): D. Bonnet; Adjunct Professor

Winter: 3 credits; 2 hours; max. enrollment: 20

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lecture, discussion, guest speakers.

Upper Year Research & Writing Requirement: Yes

Practicum: No

For the student wishing to practice criminal law, it is inevitable that they will encounter individuals with mental health issues. Studies consistently show that 1 in 5 of all Canadians will be affected by a mental illness, either personally or through a close family member. The percentage of individuals with mental health issues increases when one looks at those charged with criminal offences and those in the correctional system. Accused persons with mental health issues raise difficult and complex issues for the criminal law practitioner, whether you are a prosecutor, duty counsel, defence attorney or a judge.

This seminar will develop students' knowledge of forensic mental health issues throughout the criminal justice system. That objective will be achieved by enhancing students' understanding of the nature and extent of mental illness in our society and the various legal issues that arise when a mentally disordered individual comes into contact with the criminal justice system. Students will become familiar with Part XX.1 of the Criminal Code and related sections through lectures, guest speakers and class discussion. Students will also see how these statutory provisions arise in practice through field trips (conditions permitting) to the specialized Mental Health Court at Old City Hall, the Centre for Addiction and Mental Health and/or the Ontario Review Board. The seminar will also afford students an opportunity to reflect critically on the various social, legal and ethical issues that arise as an individual with mental health issues goes through the criminal justice system, including the use of measures to divert persons away from or out of the criminal justice system.

Evaluation: Participation (class attendance and participation in class discussion) - 20%

Final Research Paper (7000 - 7500 words excluding footnotes, bibliography and appendices is eligible for Upper Year Research and Writing Requirement (UYRWR) - 80%.

Administration of Criminal Justice: Wrongful Conviction

(5010D.03 A) *Seminar*

Instructor(s): L. Johnson; Adjunct Professor

Fall: 3 credits; 2 hours; max. enrollment: 20

Prerequisite Courses: None

Preferred Courses: Criminal Procedure and Evidence

Presentation: Discussion, participation

Upper Year Research & Writing Requirement: Yes

Practicum: No

It has been said that wrongful convictions are a triple failure of the justice system because an innocent person is wronged, a guilty person remains unaccountable, and the victim's loved ones must contend with having blamed the wrong person. It is all but impossible to determine the precise number of wrongful convictions that occur in Canada for many reasons, but there are some indicators: to date, Innocence Canada has successfully exonerated 24 people; in the U.S., the National Registry of Exonerations currently lists 3,166 exonerations since 1989.

This course will explore both the causes of wrongful convictions and the various remedial approaches adopted by different jurisdictions, as well as safeguards put in place to attenuate the risk of wrongful convictions. In particular, you will study the following leading causes of wrongful convictions: adversarial excess, police and prosecutorial misconduct, tunnel vision, inadequate disclosure, frail identification evidence, false confessions, jailhouse informants, inadequate defence, and faulty forensic testing and junk science.

With respect to remedial options, you will learn about how Canadian exonerations are achieved through section s.696.1 of the *Criminal Code*. In addition, this course will examine the findings and recommendations of the various Canadian Commissions of Inquiry designed to explain and analyze the causes of a wrongful conviction in particular cases.

Evaluation: 1) 30-page research paper worth 90% of the final mark.
2) Class participation, worth 10% of the final mark.

Administrative Law

(2010.04 A) *Course*

Instructor(s): Professor K. Glover Berger

Fall: 4 credits; 4 hours; max. enrollment: 70

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lecture-based course with opportunities for discussion, review, and problem-solving. May rely on e-learning and online components.

Upper Year Research & Writing Requirement: No

Practicum: No

In this course, we will study the law of public decision-making. Administrative law applies to a diverse group of public officials who exercise delegated power and deliver public programs and services, including the Benchers of the Law Society of Ontario, the Landlord and Tenant Board, municipal councils, university decision-makers, public inquiries, the Ontario Social Benefits Tribunal, the Immigration and Refugee Board of Canada, and so on. Administrative decision-makers make countless decisions that impact the daily lives of individuals and communities, many of which involve a great deal of discretion. Administrative law aims to ensure that these decisions are transparent and justified, are unbiased and made according to fair procedure, consistent with constitutional demands, and within the scope of the decision-maker's power. In this course, we will critically examine whether administrative law achieves these aims. We will explore the following kinds of questions: How and why are certain public powers delegated to administrative decision-makers? What role do these decision-makers play in the structure of Canadian public life? What principles should govern the design of administrative decision-makers to protect against and address individual and systemic bias? How do administrative bodies carry out their mandate and exercise their powers? What legal rules and principles govern administrative decision-making? What legal rights do individuals have when they access public services? Of what relevance is administrative law for Indigenous self-governance? What role does administrative law play in both undermining and advancing reconciliation? What are the principles and who are the actors of Aboriginal administrative law? When are courts justified in intervening in the decisions of public authorities? What remedies are available when public officials act unfairly, unreasonably or unlawfully? In answering these questions, we will seek to examine the rules of administrative law, the experiences of those affected by the administrative state, the ideals of justice that shape the law, the policy debates underlying administrative law, and the realities of practice in the administrative realm.

Evaluation: Engagement (10%) and take-home exam (90%). Students also have the option to write a mid-term (25%) and/or complete an assignment (design-your-own) (30%), which will reduce the weight of the final exam.

Administrative Law

(2010.04 P) *Course*

Instructor(s): Professor K. Glover Berger

Winter: 4 credits; 4 hours; max. enrollment: 70

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lecture-based course with opportunities for discussion, review, and problem-solving. May rely on e-learning and online components.

Upper Year Research & Writing Requirement: No

Practicum: No

In this course, we will study the law of public decision-making. Administrative law applies to a diverse group of public officials who exercise delegated power and deliver public programs and services, including the Benchers of the Law Society of Ontario, the Landlord and Tenant Board, municipal councils, university decision-makers, public inquiries, the Ontario Social Benefits Tribunal, the Immigration and Refugee Board of Canada, and so on. Administrative decision-makers make countless decisions that impact the daily lives of individuals and communities, many of which involve a great deal of discretion. Administrative law aims to ensure that these decisions are transparent and justified, are unbiased and made according to fair procedure, consistent with constitutional demands, and within the scope of the decision-maker's power. In this course, we will critically examine whether administrative law achieves these aims. We will explore the following kinds of questions: How and why are certain public powers delegated to administrative decision-makers? What role do these decision-makers play in the structure of Canadian public life? What principles should govern the design of administrative decision-makers to protect against and address individual and systemic bias? How do administrative bodies carry out their mandate and exercise their powers? What legal rules and principles govern administrative decision-making? What legal rights do individuals have when they access public services? Of what relevance is administrative law for Indigenous self-governance? What role does administrative law play in both undermining and advancing reconciliation? What are the principles and who are the actors of Aboriginal administrative law? When are courts justified in intervening in the decisions of public authorities? What remedies are available when public officials act unfairly, unreasonably or unlawfully? In answering these questions, we will seek to examine the rules of administrative law, the experiences of those affected by the administrative state, the ideals of justice that shape the law, the policy debates underlying administrative law, and the realities of practice in the administrative realm.

Evaluation: Engagement (10%) and take-home exam (90%). Students also have the option to write a mid-term (25%) and/or complete an assignment (design-your-own) (30%), which will reduce the weight of the final exam.

Administrative Law

(2010.04 Q) *Course*

Instructor(s): B. Bethell, Adjunct Professor

Winter: 4 credits; 4 hours; max. enrollment: 60

Prerequisite Courses: none

Preferred Courses: none

Presentation: Remote (Zoom), lecture-based with opportunities for discussion, review, and problem-solving.

Mode of Delivery: This course will be run remotely on Zoom. A physical room at Osgoode will be assigned for the course where students can do the classes if they are at Osgoode, rather than only having the option of joining from home.

Upper Year Research & Writing Requirement: No

Practicum: No

Administrative law, a fundamental guardian of the rule of law, is the branch of public law that regulates devolved decision-making by bodies that implement government policy and services. The government frequently devolves power through legislation to a diverse range of decision-makers; administrative law is the set of rules that regulates, and places checks and balances, on that often far-reaching power. The study of administrative law provides a foundation for the study of, and practice in, many areas of law including constitutional, quasi-criminal, professional regulation and discipline, national security, military, financial regulation, municipal, immigration, human rights, environmental, sports and entertainment, tax, indigenous, health (including the recent challenges posed by Covid-19), labour and employment, competition, arbitration, education, and public inquiries.

Evaluation: Participation and engagement (10%), final exam (90%).

Advanced Commercial Litigation Workshop

(5005.04 M) *Seminar*

Instructor(s): C. McKenna, R. Swan & A. McLachlan; Adjunct Professors

Winter: 4 credits; 3 hours; max. enrollment: 20

Prerequisite Courses: Business Associations

Preferred Courses: Civil Procedure II

Presentation: Lecture, discussion, oral and written advocacy exercises. Note: This seminar is held downtown.

Upper Year Research & Writing Requirement: No

Practicum: No

This course will introduce students to the commercial litigation process, including the Commercial List branch of the Ontario Superior Court. The course will revolve around a fact pattern and will progress from the first meeting with the client to the hearing before a judge. Students will engage in both oral and written advocacy exercises over the course of the semester.

Substantive topics that will be covered include: oppression and derivative actions; interlocutory, special and permanent injunctions; working with and cross-examining experts; case management, settlement and ADR. Throughout the course, students will be directed towards the relevant Rules of Civil Procedure and other applicable statutes and practice directions. Practical and strategic theories and considerations that will be addressed include: the client relationship; court filings and documents; commencing an action or application; engaging and instructing experts; cross-examination techniques; commercial litigation factums; oral advocacy and presentation; strategic settlement considerations and more.

By the end of the course, students should be able to demonstrate: a basic understanding of common commercial proceedings; an ability to communicate effectively with clients; understand the importance of and develop oral and written advocacy skills in the context of pleadings, motions and cross-examinations; an understanding of strategic and practical considerations in various stages of the commercial litigation process, including settlement; and an understanding of ethical considerations in pursuing or resolving litigation, including the Rules of Professional Conduct.

Evaluation: Interviewing the client & drafting originating documents (32.5%), reflective piece (2.5%); effective cross-examination of expert witnesses (25%), reflective piece (2.5%); drafting factum for final adjudication (30%), reflective piece (2.5%); and oral presentation (5%).

Advanced Torts

(2480.03 M) *Course*

Instructor(s): Professor K. Sutherland

Winter: 3 credits; 3 hours; max. enrollment: 70

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, question & answer sessions, large and small group discussion.

Upper Year Research & Writing Requirement: No

Practicum: No

This course will focus on injuries to relational interests, including negligent and/or intentional interference with family relationships, economic relationships, and community relationships. Topics covered may include the torts of intimidation, conspiracy, inducing breach of contract, defamation and invasion of privacy, and liability for economic loss from negligence. Each area of tort law doctrine will be studied in context. This will involve exploration of various jurisprudential perspectives on tort law including law and economics, critical legal studies, feminist legal theory and critical race theory.

Evaluation: Students will be given a choice. They can opt to write a three-hour open book examination for 100% of their final grade. Or, in the alternative, they can write a combination of a short essay and a two-hour open-book examination, each worth 50% of their final grade.

Animals and the Law

(2370.03 A) *Course*

Instructor(s): Professor A. Boisselle

Fall: 3 credits; 3 hours; max. enrollment: 50

Prerequisite Courses: none

Preferred Courses: none

Presentation: Discussion, lectures

Upper Year Research & Writing Requirement: No

Practicum: No

This course analyzes the legal treatment of nonhuman animals, interrogating the limits of the prevailing property concept that treats them as objects when they are also sentient subjects with some legal rights. Topics explored include emerging alternatives to the persons vs property debate; federal anti-cruelty protections and provincial welfare legislation in Canada; and Indigenous laws and perspectives on nonhuman animals.

Evaluation: 15% of the grade: in team of two or three (depending on the number of students registered) students will prepare a 15 minute in class presentation on one of the resources listed in the course bibliography. The available resources to present on, and the schedule for those presentations will be listed on e-class and need to be selected by the teams by the second week of class. 85% of the grade: a 4-hour take-home examination.

Bankruptcy & Insolvency Law

(2430.04 M) *Course*

Instructor(s): A. Kauffman; Adjunct Professor

Winter: 4 credits; 4 hours; max. enrollment: 70

Prerequisite Courses: None

Preferred Courses: Business Associations, Commercial Law

Presentation: Lecture, discussion

Upper Year Research & Writing Requirement: No

Practicum: No

Covid 19, supply chain challenges, war in Ukraine, inflation- the world is facing uncertain and challenging times. These challenges will effect financial stability of Canadian businesses and individuals. Some, no doubt, will become insolvent. How do we address the societal and practical consequences of these insolvencies?

Bankruptcy and insolvency laws provide a framework for restructuring or liquidating insolvent businesses or rehabilitating insolvent individuals.

This course will take a practical approach to reviewing the principal insolvency and restructuring regimes in Canadian law – bankruptcies, receiverships and restructuring under the Companies' Creditors Arrangement Act or the proposal provisions of the Bankruptcy and Insolvency Act. In addition to learning the substantive and procedural rules with respect to each regime, we will consider the practical implications of insolvencies with respect to various stakeholders such a workers, retirees, pensioners, landlords and governments.

This course combines an analysis of the relevant statutory material and case law with an understanding of the policy choices in insolvencies, as well as the different roles which an insolvency system may play in contemporary society.

Evaluation: Examination (100%). Students may also opt to write an optional paper (5,000 words), worth 40% of their overall final grade (on a topic and schedule to be approved by the instructor). Exams for students electing this 40% paper option will be worth 60% of their overall final grade.

Beyond Bay St.: Starting up a Small or Solo Practice

(3550.03 A) *Seminar*

Instructor(s): Professor F. Bhabha & M. Pearlman; Adjunct Professor

Fall: 3 credits; 2 hours; max. enrollment: 20

Prerequisite Courses: None

Preferred Courses: None

Presentation: Seminar, discussion, simulations

Upper Year Research & Writing Requirement: No

Practicum: Yes

This seminar critically explores the decisions and challenges which face legal practices in the current changing context. Those interested in starting a practice as a solo practitioner or within a small firm structure face at least some significantly different challenges to those in large law firms with significant support staff and an existing management structure. While some of the challenges are the same (a changing landscape, ethical rules and LSO as a regulator), many are profoundly different, and even those that are the same affect practices very differently depending on the size/organization of the practice.

The seminar encourages students to consider their place as professionals serving local communities. The seminar will include broad engagement with the legal community, including guest lectures and panel discussions. The seminar will guide students through the questions which need to be answered in setting up and running an ethical, professional small or solo legal practice, and the larger changes which are shaping the landscape in which these practices operate. Through lectures, presentations, discussions, and assignments, students will consider the steps to be taken and choices to be made in creating a legal career as a solo practitioner or within a small firm structure.

Evaluation: 15% Class participation; 15% Short response papers; 20% In-class presentation; 50% Multipart "development plan" for fictional or actual future legal practice.

Business Associations

(2020.04 A) *Course*

Instructor(s): G. Ellinidis; Adjunct Professor

Fall: 4 credits; 4 hours; max. enrollment: 70

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lecture, discussion

Upper Year Research & Writing Requirement: No

Practicum: No

This course introduces the laws governing various forms of business associations in Canada. The course will cover sole proprietorships, general partnerships, limited partnerships, limited liability partnerships, franchises with a particular focus on business corporations. The course will canvass such topics as:

- what are, and when do you use, a sole proprietorship, agency, general partnership, limited partnership, limited liability partnership, professional corporations and franchises;
- the creation, organization and powers of the corporation;
- the capital structure and activities of the corporation;
- the management and control of the corporation;
- shareholder rights;
- the duties and responsibilities of shareholders, directors and officers;
- shareholder derivative actions and other remedies;
- introduction to corporate transactions;
- the liquidation and dissolution of the corporation; and
- Elements of Foreign Direct Investment (if time allows).

Evaluation: 15% Participation; 85% Open-Book Examination. Participation is worth 15% of the course grade and the mark will be based on your relative in-class engagement as assessed on a discretionary basis. These marks can be earned by expressing your opinion, engaging in class discussion, asking questions (during class and not just at the break), volunteering to present a case or demonstrating active listening.

Business Associations

(2020.04 B) *Course*

Instructor(s): S. Ffolkes-Goldson; Adjunct Professor

Fall: 4 credits; 4 hours; max. enrollment: 65

Prerequisite Courses: None

Preferred Courses: None

Presentation: Remote (Zoom), Lecture, Discussion, Presentation(s), Assignment(s), Problem-Solving.
Mode of Delivery: This course will preponderantly be run remotely on Zoom, with periodic in-person classes (averaging either one or two classes per month). A physical room at Osgoode will be assigned for the course where students can do the classes if they are at Osgoode, rather than only having the option of joining from home.

Upper Year Research & Writing Requirement: No

Practicum: No

Following a brief examination of sole proprietorships and partnerships, the course will examine the corporate form of association, with particular reference to the Canada Business Corporations Act. The course will emphasize such matters as: the corporation as a distinct entity from its shareholders, the creation and organization of the corporation, shareholders' rights and roles, management and control of management within the corporation, capital structures, corporate governance, the purpose of the corporation, stakeholder theory, corporate social responsibility and ESG; and the enforcement of corporate duties through the oppression remedy, shareholder derivative actions and other remedies.

Evaluation: 100% Open-Book Examination or 75% Open-Book Examination and 25% Group Assignment.

Business Associations

(2020.04 P) *Course*

Instructor(s): Professor B. Choudhury

Winter: 4 credits; 4 hours; max. enrollment: 70

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures and discussion

Upper Year Research & Writing Requirement: No

Practicum: No

This course provides an introduction to the laws governing the predominant forms of business organization in Canada including sole proprietorships, partnerships, limited partnerships, limited liability partnerships and corporations. The focus of the course will be on business corporations. The course will cover topics such as: the creation and organization of the corporation, the corporation as a distinct entity from its shareholders, pre-incorporation contracts, corporate capital structures, directors' and officers' duties, and shareholders' rights and remedies. This course will also examine theoretical perspectives of corporations and discuss contemporary corporate governance and corporate social responsibility issues as well. The above information is provided for course registration purposes only and is subject to change at any time.

Evaluation: Open-book (Take home) examination 70%; Group Class Presentation 20%; Class Participation 10%.

Business Associations

(2020.04 Q) *Course*

Instructor(s): S. Mehdi and A. Kermalli; Adjunct Professors

Winter: 4 credits; 4 hours; max. enrollment: 65

Prerequisite Courses: none

Preferred Courses: none

Presentation: Lecture, Discussion, Presentation(s).

Upper Year Research & Writing Requirement: No

Practicum: No

Following a brief examination of sole proprietorships and partnerships, the course will examine the corporate form of association, with particular reference to the Canada Business Corporations Act. The course will emphasize such matters as: the corporation as a distinct entity from its shareholders, the creation and organization of the corporation, shareholders' rights and roles, management and control of management within the corporation, capital structures, corporate governance, the purpose of the corporation, stakeholder theory, corporate social responsibility and ESG; and the enforcement of corporate duties through the oppression remedy, shareholder derivative actions and other remedies.

Evaluation: 100% Open-Book Examination; OR 75% examination and 25% group presentation.

Children And The Law

(5230.03 A) *Seminar*

Instructor(s): P. McGirr & K. Ksienski; Adjunct Professors

Fall: 3 credits; 2 hours; max. enrollment: 20

Prerequisite Courses: None

Preferred Courses: Family Law I (2060.04)

Presentation: Lectures, discussion, student presentations

Upper Year Research & Writing Requirement: Yes

Practicum: Yes

This seminar will examine both theoretical and practical aspects of child protection law. The theoretical component will include an analysis of family autonomy in the face of state intervention and the best interests of children in a risk-driven protection environment as opposed to the conventional benefits-driven best interests tests applied in private custody cases. We will explore Charter implications of various aspects of child protection law throughout the seminar, as well as the inter-disciplinary nature of child protection work.

The practical component will provide students with the opportunity to examine child protection issues through case studies and to engage in case preparation for selected fact patterns. Both theoretical and practical components will examine tactical, ethical and policy questions throughout the seminar.

Evaluation: Evaluation - Final Research Paper (60%); class presentations/role plays/case preparation (40%).

Chinese Law

(3130.03 M) *Seminar*

Instructor(s): Professor M. Boittin

Winter: 3 credits; 3 hours; max. enrollment: 5

Prerequisite Courses: None

Preferred Courses: None

Presentation: Seminar, class discussion & presentations. The seminar will be taught in three-hour classes in a nine-week period for a total of twenty-seven hours beginning the week of January 16, 2023.

Upper Year Research & Writing Requirement: Yes

Practicum: No

Lawyers, whether working in business, regulation, policymaking, or advocacy, are increasingly likely to come into contact with issues related to China over the course of their careers. Recent tensions, for example involving Huawei Technologies, trade bans on key exports, and the fight against COVID-19 are straining the Canada-China bilateral relationship. This course serves as a foundation for such encounters and aims to expose students to more of what lawyering involves in such contexts. It is an introductory course that addresses how aspects of the Chinese legal system shape China-Canada relations and inform the contemporary practice of law in Canada.

In addition to being of interest to students who would like to learn more about China and Canada-China relations, the class is also relevant for students interested in international relations and the practice of law in the global context.

The course will begin with an overview of Canada-China legal relations and China's contemporary legal system. It will then examine the political, economic and social environment within which the Chinese legal system operates. Topics covered will include recent diplomatic disputes and their implications for bilateral relations; foreign investor ownership of residential real estate in Canada; cooperation on global issues in areas such as climate change, health and safety (including COVID-19), Arctic sovereignty and food security; gender equality, including sex work and human trafficking; trade and competition issues; key debates in criminal law, including extradition; and current tensions between Hong Kong and mainland China.

Course materials will include readings (all available for download through Moodle), documentaries, and guest speakers with experience working in the sphere of Canada-China relations (via zoom).

No prior knowledge of China or Chinese is required or expected for this course.

Please do not hesitate to reach out to the instructor (MBoittin@osgoode.yorku.ca) for any questions on the course.

Evaluation: Evaluation for upper year students: 75% Final Paper (7,000 words); 25% Class discussion and research presentation.

Evaluation for first-year students: 75% Final Paper (5,000 words); 25% Class discussion and research presentation.

Civil Liberties

(2220.03 M) *Course*

Instructor(s): Professor B. Ryder

Winter: 3 credits; 3 hours; max. enrollment: 40

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lecture

Upper Year Research & Writing Requirement: No

Practicum: No

This course examines laws that restrict fundamental freedoms (such as emergency restrictions on freedom of peaceful assembly, freedom of worship and freedom of movement during the COVID-19 pandemic), and laws that aim to enhance the exercise of fundamental freedoms (such as anti-SLAPP legislation), and assesses them from the perspective of the Canadian Charter of Rights and Freedoms. We will focus on the Charter provisions that protect freedom of conscience and religion (s.2(a)), freedom of expression and the press (s.2(b)), freedom of peaceful assembly (s.2(c)), international and interprovincial mobility (s.6), and the right not to be deprived of liberty except in accordance with the principles of fundamental justice (s.7). The course will evaluate whether the unprecedented emergency restrictions placed by legislatures and governments on civil liberties during the COVID-19 pandemic have been reasonable and demonstrably justifiable pursuant to s.1 of the Charter. We will also evaluate the increasing resort by provincial legislatures to s.33 of the Charter to override fundamental freedoms (including Quebec's Bill 21). The approach throughout will be contextual, critical and comparative. The course aims to establish a theoretical and doctrinal foundation for each of the rights and freedoms studied, and to consider how they relate to each other.

Evaluation: A short (2,000 words) mid-term written assignment (20%); a six hour take-home examination (60%); and class participation (20%).

Civil Procedure II

(2230.03 M) *Course*

Instructor(s): Michael S. F. Watson; Adjunct Professor

Winter: 3 credits; 3 hours; max. enrollment: 70

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lecture, discussion

Upper Year Research & Writing Requirement: No

Practicum: No

This advanced course in Civil Procedure explores in greater depth certain topics dealt with in introductory civil procedure courses, and delves into other more advanced topics not previously studied. The subject matter includes the lawyer-client relationship (including conflicts of interest), motions, disposition without trial, cross-border litigation, discovery, insurance aspects of litigation, certificates of pending litigation, and interlocutory injunctions. Examination of the leading jurisprudence and recent case law under each topic is supplemented by extensive discussion of the practical aspects of and advocacy techniques associated with each procedure.

Evaluation: 2.5-hour open-book 100% examination. Students may also opt to write an optional paper worth 40% of their overall final grade (length, topic and schedule to be approved by the instructor). Exams for students electing this 40% paper option will be worth 60% of their overall final grade.

Class Actions

(3011.03 A) *Seminar*

Instructor(s): Professor J. Walker

Fall: 3 credits; 2 hours; max. enrollment: 20

Prerequisite Courses: None

Preferred Courses: None

Presentation: Discussion, student presentations, guest speakers

Upper Year Research & Writing Requirement: Yes

Practicum: No

Class actions have become a key element of the Canadian civil justice system. Building on the tradition of public interest litigation, they seek to promote access to justice, judicial economy and behaviour modification, while supporting traditional procedural values. The interface between these aspirations has generated considerable interest and debate among practitioners and academics alike.

In this seminar, we welcome a series of leading counsel, judges and professors to discuss with us topics such as the roles of class counsel and defense counsel, and related ethical issues; costs (who should pay and when and how much) and principals of funding and financing; the role of court-approved settlements in maximizing value for the class; the role of the representative plaintiff and the ways in which the interests of the class can best be served; and parallel and overlapping cross-border class actions.

This is an excellent seminar for those considering a career in civil litigation and for those interested in the way class actions are transforming the role of civil justice in society.

Evaluation: 7000-word paper, student presentations and class participation.

Climate Change Law

(3830.03 M) *Seminar*

Instructor(s): Professors S. Bandopadhyay & G. Van Harten

Winter: 3 credits; 2 hours; max. enrollment: 14

Prerequisite Courses: None

Preferred Courses: None

Presentation: Seminar style discussion, possible guest lecture, student presentations

Upper Year Research & Writing Requirement: Yes

Practicum: No

Climate disruption is attributable to historical and current day modes of production and consumption. Enduring solutions will require significant shifts in how modern societies are governed. Governance, in this context, is unlikely to succeed without attention to related priorities of sustainability, justice, and cohesion. Yet there is ample evidence that many leaders and institutions are unable or unwilling to address the challenge effectively.

This seminar explores legal and policy issues related to efforts to control the causes and respond to the impacts of climate disruption. It approaches the topic from an interdisciplinary perspective that considers law, science, politics, economics, and history. The seminar is also concerned with how these perspectives can support pragmatic strategies in different areas of law and policy and at different levels of decision-making.

The seminar has two thematic segments. The first segment will examine the historical, political, socio-economic, and scientific background within which the modern problem of climate disruption has arisen. This segment will also provide a broad survey of the major international legal regimes that have been developed to address the problem.

The second segment will focus on analyzing legal and institutional barriers to pragmatic action towards forestalling climate disruption and mitigating its impact on society. Particular attention will be paid to core societal functions such as food production, land management, water and wastewater infrastructure, energy, and transportation and communications. Students will have the opportunity to do their research and planning in a relevant area.

Evaluation: Evaluation will be divided between:

- class participation (20%),
- student presentation/ co-leading (10%),
- research paper (70%) (a 7000-word research paper that can fulfill students' Upper Year Research and Writing Requirements).

Collective Bargaining Law

(2515.04 A) *Course*

Instructor(s): Professor V. De Stefano

Fall: 4 credits; 4 hours; max. enrollment: 70

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lecture, discussion, problem solving

Upper Year Research & Writing Requirement: No

Practicum: No

This course provides an introduction to legal regimes governing collective employee representation in Ontario and beyond. Students will gain appreciation for collective bargaining legislation and its particular scope and parameters of protection. Consideration will be given to the role of the state in protecting freedom of association through statutory certification procedures, the articulation of exclusive bargaining rights and the duty to bargain in good faith. Students will confront the underlying commitments of states in governing collective employee representation, the influence of international labour law on collective bargaining regimes, and the deficiencies of existing regulations. Moreover, considerable attention will be given to the increasing impact of technology in workplaces, its challenges to existing regulations, and how collective labour rights represent a vital instrument to govern technological issues at work.

Evaluation: Active participation and discussion in class (30%), take-home exam (essay question) (70%).

Commercial Law

(2030.04 A) *Course*

Instructor(s): Professor B. Geva

Fall: 4 credits; 4 hours; max. enrollment: 70

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, discussion

Upper Year Research & Writing Requirement: No

Practicum: No

This course focuses on secured credit in lending, wholesale and retail sales transactions and touches upon related areas. Coverage includes a brief introduction to the law of sale of goods, insolvency, suretyships, and selected aspects of the law that govern securities transfers, mostly all in the context of secured credit. Most of the course will deal with the financing of commercial and consumer transactions, particularly secured credit under the Ontario Personal Property Security Act. The course will combine statutory interpretation and legal principles as they operate throughout commercial transactions.

Neither a prerequisite nor a co-requisite is required or recommended, and the course is appropriate for students who start their second year at Osgoode. Those who wish to take upper year business law courses are encouraged to take it quite early in their upper year law studies.

Evaluation: 100 % open-book examination; paper option (30%).

Commercial Law

(2030.04 P) *Course*

Instructor(s): G. Ellinidis; Adjunct Professor

Winter: 4 credits; 4 hours; max. enrollment: 70

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lecture, discussion

Upper Year Research & Writing Requirement: No

Practicum: No

This course is devoted to an examination of the principles and policies that govern the law of secured transactions in personal property. It consists primarily of a detailed analysis of Ontario's Personal Property Security Act (OPPSA). Coverage also includes a brief introduction to insolvency law and the proprietary aspects of sale of goods law.

In general, topics such as the following will be covered:

- the nature and function of security;
- the scope and application of the OPPSA;
- the validity of security agreements and the rights of the secured party and debtor as against each other;
- the policy and function of registration;
- the rights of the secured party as against third parties – the general priority rules;
- specific priority rules;
- rights on transfers of collateral; rights to proceeds;
- default and enforcement;
- conflict of laws issues.

The course will be taught in two segments each week. On Wednesdays, there will be a one-hour class from 11:30 to 12:20; this is a change from 10:30-12:20 in the original schedule. This Wednesday class may alternate between being done remotely and in person. For weeks when the Wednesday is done remotely, the classroom is available for students to connect to the class using their laptops, if they are not following the class from home; headphones will be needed. On Fridays, there will be a three-hour class from 9:30-12:20, in person; this is a change from 10:30-12:30 in the original schedule.

Evaluation: 15% Participation; 85% Open-Book Examination. Participation is worth 15% of the course grade and the mark will be based on your relative in-class engagement as assessed on a discretionary basis. These marks can be earned by expressing your opinion, engaging in class discussion, asking questions (during class and not just at the break), volunteering to present a case or demonstrating active listening.

Comparative Law: Comparative Constitutionalism

(3040Q.03 M) *Seminar*

Instructor(s): Professor R. Akande

Winter: 3 credits; 2 hours; max. enrollment: 20

Prerequisite Courses: Public and Constitutional Law

Preferred Courses: None

Presentation: Seminar, discussion

Upper Year Research & Writing Requirement: Yes

Practicum: No

The seminar will initiate students into what comparative constitutional law as a field of study looks like; explore methodologies for comparison; identify constitutional borrowings, transplants and migrations; consider critical perspectives; examine relationships between constitutionalism and democracy; compare defining structures such as separation of powers and federalism across jurisdictions; study specific constitutional rights across jurisdictions with reference to their formal status at law, judicial definitions and the scope of government regulation; consider the structure and functions of constitutional courts, modes of judicial interpretation and the legitimacy of the function of judicial review; and track contemporary or emerging trends in the field. The seminar will survey a variety of jurisdictions including those of Canada, the United States, Somalia, and India.

Evaluation: This seminar will be assessed by means of an essay (65%); class presentations; and critical engagement with the material and with each other.

Comparative Law: Indigenous Legal Traditions

(3040P.03 A) *Seminar*

Instructor(s): Professor A. Boisselle

Fall: 3 credits; 2 hours; max. enrollment: 20

Prerequisite Courses: None

Preferred Courses: None

Presentation: Seminar Presentation: Seminar, with a student participation component (i.e. primarily discussion-based and interactive instead of lecture-based). Class time may involve class exercises and activities, and may include a film and a discussion with a guest speaker, as available. This seminar satisfies the Indigenous & Aboriginal Law requirement.

Upper Year Research & Writing Requirement: Yes

Practicum: Yes

This seminar will introduce students to non-state Indigenous legal orders. Using a transsystemic pedagogical model and a wide range of reading materials (legal cases, methodology, pedagogy, anthropology, theory) students will critically explore the theories and practices of indigenous legal traditions through analysis and substantive treatment of: indigenous sources of law; oral histories and traditions (as legal archive); legal cases and precedent; modes of reasoning and interpretation; and authority and legitimacy.

Evaluation: Research paper: 60%

Analysis of oral narrative or interview: 25% (your analysis will partially inform your research paper; it will have to be submitted prior to the reading break and will be graded independently from your final paper).

Class participation: 15%.

Comparative Law: International & Comparative Labour Law

(3040N.03 M) *Seminar*

Instructor(s): M. Azeem; Adjunct Professor

Winter: 3 credits; 2 hours; max. enrollment: 20

Prerequisite Courses: none

Preferred Courses: Labour and Employment Law

Presentation: Seminar, discussions

Upper Year Research & Writing Requirement: Yes

Practicum: No

This course charts three significant shifts in international labour law that came about as part of the neoliberal market economy in the name of 'flexibility of labour and production.' First of all, labour law has been reduced into a moral obligation, declaration-based, promotional, and 'soft law' through labour codes of Global Supply Chains (GSCs), the GSP+ status of the European Union and the like. Secondly, labour lawyers and activists have started using the private law of torts and damages against GSCs to redress the labour grievances for violations of their labour codes. Third, instead of focusing on formal, organized labour, with 'freedom of association' and collective bargaining, the ILO, international donor agencies, and labour NGOs are increasingly focusing on informal labour, child labour, bonded labour, home-based workers, and other such marginalized sectors of labour.

These changes reflect a major shift in the theory and philosophy of international labour law. This course will attempt to explain and explore this significant shift through initially a historical and interdisciplinary journey through the development of the theory and philosophy of international labour law. The second and major part of the course will explore labour law during the era of neoliberal globalization by exploring debates around the ILO/WTO in the 1990s and third world states, U.S., trade unions, labour, and human rights NGOs. The reading will comprise critical labour literature and case law related to complaints against GSCs in international fora and local courts.

Evaluation: Students in this course will be evaluated through a major research paper of 7000 words (70%) and active class participation (30%).

At the end of the second week, students are required to confirm their research topic after a discussion with the professor. At the end of the fourth week, students are required to submit a 2-page outline of the paper and a 2-page preliminary bibliography. Students will present their final work in a seminar in the last two weeks of the semester and will incorporate feedback in the final paper due in exam week.

Comparative Law: Privacy & Access to Information

(3040X.03 M) *Seminar*

Instructor(s): M. Power; Adjunct Professor

Winter: 3 credits; 2 hours; max. enrollment: 5

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures and discussions led by the instructor. The seminar will be taught over 9 classes in an eleven-week period, beginning the week of January 16, 2023. Each session will be 3 hours.

Upper Year Research & Writing Requirement: Yes

Practicum: No

The subject of privacy in 21st century society raises questions in a number of inter-related disciplines, including law, philosophy, sociology, information technology, health care and political science. This seminar introduces and explores the subject of privacy and personal information protection as well as concepts related to data governance and management.

Classes are organized around discussions of current issues in privacy law and policy, based on lectures concerning Canadian and international privacy and data protection law as well as student reading assignments. While the course covers key conceptual foundations of privacy as found in the western legal tradition, some sessions will be spent examining the subject from critical perspectives, including group and feminist views on privacy and data protection.

Students' participation is required and actively encouraged.

Evaluation: 100% research paper (5000 words for first year students, 7000 words for upper year students, excluding footnotes and bibliography).

Computers, Information & The Law

(2980.03 A) *Course*

Instructor(s): A. Hounsell; Adjunct Professor

Fall: 3 credits; 3 hours; max. enrollment: 40

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lecture, discussions, workshops

Upper Year Research & Writing Requirement: No

Practicum: Yes

This course could alternatively be titled: "Engineering the Law: Technology and Innovation in Legal Service Delivery." The course will require a laptop but does not require any technical, coding or engineering knowledge at all. This course will: (a) introduce students to how client needs have pushed the boundaries of legal service delivery to include elements of information/data, computer technology and artificial intelligence as both inputs to work product and components of the work product itself; (b) give students the practical skills in breaking down contracts and legislation into decision trees, develop markups and workflows for contract development and negotiations, attain basic experience with common legal technology applications, apply design thinking methodology to legal problems; and (c) give students an opportunity for reflection on the theoretical and practical implications of these changes to the practice of law. Various topics will be discussed, including:

1. Business and technological developments leading to new avenues in the practice of law
2. Design thinking: theory and practice
3. Decision tree development through legislative interpretation
4. Contract model development and markup
5. Contract automation and smart contracts
6. Artificial intelligence and its influence on:
 - a. Data extraction
 - b. Due diligence
 - c. E-Discovery
 - d. Judicial predictions
 - e. Legal self-serve chatbots
7. LegalTech startups and alternative career paths
8. Advancing access to justice through automated tools
9. No-Code application building for legal
10. Theoretical topics including:
 - a. Rules-based legislative drafting
 - b. The interaction between rules and legal reasoning
 - c. Ethical implications of A.I. and automation tools
 - d. Free speech and algorithmic review on social platforms

Evaluation: 34% Take-Home Examination, 33% Reflective In-Class Presentation, 33% Class Participation and In-Class Workshops.

Conflict of Laws

(2040.04 A) *Course*

Instructor(s): Professor J. Walker

Fall: 4 credits; 4 hours; max. enrollment: 70

Prerequisite Courses: None

Preferred Courses: none

Presentation: Lectures, discussion

Upper Year Research & Writing Requirement: No

Practicum: No

In a world of cross-border communication, trade and travel, crossborder disputes arise regularly in every field of private law. A good understanding of the subject is vital for those pursuing most careers in legal practice and scholarship and it provides an important foundation for the study of other international law subjects. Once based on arcane principles and complex doctrines, the conflict of laws has changed dramatically in recent years to facilitate the flow of products, wealth and skills across borders and to ensure that disputes with connections to other provinces and countries are resolved fairly.

This course provides a solid grounding on questions such as whether a court has authority to decide a dispute and whether it should exercise that authority; what effect the court should give to the judgments of courts in other provinces or countries; and which law the court should apply to determine the issues in dispute. Also considered are the particular rules that have been developed for key areas of private law.

The rules applied by Canadian common law courts are compared with the rules applied in other common law countries, in the United States, in Québec, and in Europe. This course also addresses the special rules that apply in federal and regional systems.

Evaluation: 100% Open-book final examination and optional essay worth 20% (see Course Outline for details).

Constitutional Litigation

(3630.03 A) *Seminar*

Instructor(s): E. Krajewska & M. Fenrick; Adjunct Professors

Fall: 3 credits; 2 hours; max. enrollment: 20

Prerequisite Courses: Constitutional Law

Preferred Courses: None

Presentation: Discussion of assigned readings and their application in the development of litigation strategies in case studies; students choose a hypothetical case (approved by the instructors) and prepare a brief of materials (affidavits of actual witnesses and other documents) as their assignment for the course.

Upper Year Research & Writing Requirement: No

Practicum: Yes

In this seminar, students explore the adjudication process in constitutional litigation, consider questions of procedure, proof and remedies and discuss effective preparation of and advocacy in constitutional cases.

Seminar topics will include: the role of the courts in constitutional litigation; commencing a constitutional case, drafting pleadings, government action under s.32 of the Charter, standing, crown defendants, choice of venue, remedies, evidence in constitutional cases, the role of experts and drafting effective affidavits, discovery of governments, and interlocutory relief.

Evaluation: Primarily on the basis of the student's case brief (consisting of affidavits of actual expert witnesses, other evidentiary materials and an succinct outline relating the evidence to the factual propositions being proved). Class participation is also considered in the evaluation process.

Constitutional Litigation

(3630.03 P) *Seminar*

Instructor(s): H. Schwartz; Adjunct Professor

Winter: 3 credits; 2 hours; max. enrollment: 20

Prerequisite Courses: None

Preferred Courses: None

Presentation: Seminar, discussion, presentation of oral and written argument

Upper Year Research & Writing Requirement: No

Practicum: Yes

This seminar considers the adjudication process in constitutional litigation. We will cover questions of procedure, evidence (adjudicative and legislative) and judicial notice. A key focus is on the importance of remedies as an initial consideration, not as an afterthought. Debate, questions, banter and discourse are encouraged.

The seminar involves working through problems in small groups and presenting positions in class. Students will participate in the preparation of, and advocacy in, a constitutional case. A final factum and moot before a panel of three judges will complete the course with students receiving both oral and written feedback.

Seminar topics may include: the role of the courts in constitutional litigation; commencing a constitutional case; drafting pleadings; government action under s.32 of the Charter; standing; selecting the appropriate court and procedure; mootness, interventions; role of the Attorney General; evidence in constitutional cases, proving constitutional facts, the role of experts and drafting effective affidavits, examination of government witnesses, presentation and assessment of social science data in the adversarial system; drafting constitutional arguments and presenting them effectively; oral advocacy; the importance of remedies for constitutional infringements; litigation strategies for public interest groups and case studies.

Evaluation: Students do not receive a grade for class participation and attendance as this is expected to be the norm. However, students can lose grades for not attending at least 9 of the 13 classes.

Early in the course students must prepare a factum on a motion on a procedural issue (graded) and a short oral argument in support of that motion (not graded).

This first motion factum is worth 20% of the final grade. The factum will focus on formal requirements (citations in accordance with the McGill Guide, the Rules of Civil Procedure and the preparation of a schedule of authorities and of legislation. Substantive feedback will also be provided on the persuasiveness of the argument, reliance on relevant case law, clarity and coherence. Feedback on the short oral argument will focus on the opening argument and roadmap, reliance on precedent and the use of examples,

The next 50% is for the final factum for the moot on the constitutional case. The oral advocacy at the final moot is graded for the final 30% of the grade. For the moot portion the students will act as counsel for an applicant, government respondent or intervenor and present oral argument before a panel of judges or practitioners in a court setting.

The course does meet the Practicum requirement. Students are required to provide a reflection after completing both the initial and final assignments.

Consumption Tax Law

(3066.03 A) *Seminar*

Instructor(s): Professor I. Ozai

Fall: 3 credits; 2 hours; max. enrollment: 20

Prerequisite Courses: none

Preferred Courses: none

Presentation: Videos, lecture, quizzes, reflection notes, group discussions, guest contributors

Upper Year Research & Writing Requirement: Yes

Practicum: No

Consumption taxation is the most important source of tax revenue worldwide after income taxation. Still, although the latter is comprehensively studied in basic tax law courses across the country, law schools often provide limited opportunity for students to discuss and learn about the economic, political and legal complexities of consumption taxation. Many economists favour consumption taxation due to its neutrality on economic actors. Consumption taxes are also considered to provide a more efficient instrument for controlling the economy in the interests of economic stability than income taxes. Nonetheless, the implementation of consumption taxes raises relevant questions about equity and distributive justice due to its potential regressivity.

The primary form of consumption tax in Canada is the federal Goods and Services Tax and, in some provinces, the Harmonized Sales Tax or the Provincial Sales Tax. Most Canadians pay consumption taxes daily on the goods and services they acquire. Globally, consumption taxes account for a significant and growing proportion of tax revenues. Beyond its pervasiveness and apparent simplicity, consumption taxation elicits interesting political and legal questions. From a political perspective, the adoption of the Goods and Services Tax in Canada in the 90s faced the opposition of almost 80 percent of Canadians, despite the wide support of most public finance scholars. From a technical standpoint, the Canadian consumption tax is globally unique. It generally mirrors the European-style value-added tax but is one of the few worldwide to have been successfully implemented at a subnational level.

This seminar examines the nature and the application of consumption taxation in Canada. It discusses fundamental issues such as consumption versus income as a basis for taxation, overviews its underlying principles and policies, and analyzes the Canadian rules under the Excise Tax Act. It also covers important challenges with respect to the design of consumption taxes, such as regressivity, e-commerce, fraud, and financial services. Students will learn why consumption is taxed, the different forms of consumption taxes, the key principles of modern consumption tax systems, and how those principles are operationalized in the Canadian tax system. In addition, students will learn how to problem solve by applying normative concepts together with the basic technical rules. This seminar focuses on Canadian consumption taxation but will also explore some common principles of consumption taxes in other jurisdictions. The seminar will help students develop important legal skills, such as statutory interpretation, analytical thinking, comparative legal research, problem-solving and writing. Taxation Law is not a prerequisite.

Evaluation: Research paper (7,000 words) - 60% of the final grade

Class participation, quizzes and reflection notes - 40% of the final grade

Contracts II

(2460.03 M) *Course*

Instructor(s): Professor J. Nadler

Winter: 3 credits; 3 hours; max. enrollment: 70

Prerequisite Courses: None

Preferred Courses: None

Presentation: Discussion, lectures

Upper Year Research & Writing Requirement: No

Practicum: No

This course will provide a framework for students to explore contract law and contract theory at a more advanced level. It will explore contract doctrines that are not usually covered in the first year curriculum or are covered only superficially. Topics may include: the parol evidence rule, warranties and implied terms, exclusionary clauses, promissory estoppel, mistake, frustration, illegality, the restitutionary and punitive remedies for breach of contract, and the intersections between contract and tort in negligent misrepresentation and inducing breach of contract. It will also ask students to return to what they studied in first year and re-think it in a deeper, more theoretical way, asking questions such as: How should we understand the doctrine of consideration and is the doctrine justified? How should contract law approach boilerplate contracts? Why is there a separate requirement of "intention to create legal relations"? How can we understand the difference between the common law and equitable doctrines of contract law?

Evaluation: The final grade is comprised of a participation mark worth 20% and a final exam worth 80%.

Copyright

(2870.04 A) *Course*

Instructor(s): Professor C. Craig

Fall: 4 credits; 4 hours; max. enrollment: 70

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, in-class discussion

Upper Year Research & Writing Requirement: No

Practicum: No

This course is a study of the limited statutory monopoly granted to the authors of musical, literary, dramatic and artistic works under the Canadian copyright regime. From art and entertainment to education and information, copyright law affects almost every aspect of our lives. With the shift towards an information economy and the rapid development of digital technologies, copyright is one of the most dynamic, critical and controversial areas of Canadian law and policy. The course will examine the requirements for copyright protection, the kinds of works that qualify for protection, and the scope of the rights granted to the copyright owner. Among the subjects to be explored are: the nature and scope of the owner's 'right' in her work; the meaning of authorship and originality; the transfer and licensing of copyright interests; the dichotomy between protected expression and unprotected ideas; the role of the public interest and the public domain; and the freedom of users to deal with copyrighted works. Through analysis of the Copyright Act and common law jurisprudence, the course offers a comprehensive introduction to copyright law while critically assessing the copyright system in terms of its justifications and its public policy objectives. By the end of the course, students will be familiar with the fundamentals of copyright doctrine, as well as with the theoretical and policy controversies that surround copyright in the modern age.

Evaluation: Open-book examination (100%). Alternative evaluation case comment (6-8 pages, 20%, no downside risk).

Criminal Law II: Sexual Offences

(2240E.03 M) *Course*

Instructor(s): Justice S. Chapman & M. Dineen; Adjunct Professors

Winter: 3 credits; 3 hours; max. enrollment: 20

Prerequisite Courses: Criminal Law I

Preferred Courses: None

Presentation: Discussion, lectures

Upper Year Research & Writing Requirement: Yes

Practicum: No

This advanced criminal law class examines legal issues that commonly arise in relation to criminal sexual offences. Topics will include: consent and mistaken belief in consent; failure to disclose HIV+ status; access to the complainant's counselling and other records; the use of text messages and other private records in cross-examination; admissibility of evidence of the complainant's prior sexual history; prior complaint and recent fabrication; admissibility of similar fact evidence; child pornography and obscenity; sex offender registry/ community notification provisions; and forensic psychiatric evidence.

Evaluation: Research paper - 7,000 words, excluding footnotes and bibliography, (80% of final grade) and class attendance and participation (20% of final grade).

Criminal Procedure

(2690.04 A) *Course*

Instructor(s): Professor F. Tanguay-Renaud

Fall: 4 credits; 4 hours; max. enrollment: 70

Prerequisite Courses: First-year criminal law

Preferred Courses: None

Presentation: Lectures

Upper Year Research & Writing Requirement: No

Practicum: No

This course will provide students with an overview of the Canadian criminal process, with a special attention given to the limitations imposed by the Canadian Charter of Rights and Freedoms. It will begin with an exploration of police investigative powers. The authority of Canadian police to search/seize, question, detain, and arrest will all be considered in detail. The exclusion of unconstitutionally obtained evidence, as well as the availability of other constitutional remedies, will also be addressed. The course will then shift to a consideration of the criminal process after charges are formally brought, including intake procedures, bail, disclosure, plea, plea bargaining, prosecutorial discretion, and the right to a trial within a reasonable time. If time allows, some trial and post-trial issues may be considered, including jury selection, res judicata, and appeals. Throughout, various theoretical perspectives on criminal law and process will be discussed. The course will also seek to introduce key historical connections and important points of comparison between criminal procedure in Canada and the United States, primarily in terms of their constitutional regulation, as well as with the common law of England.

Evaluation: 100% open book final examination, or option of open book exam worth 50% and research paper on a topic approved by the professor worth 50%.

Criminal Procedure

(2690.04 P) *Course*

Instructor(s): Justice M. Greene and K. Lau-Po-Hung; Adjunct Professors

Winter: 4 credits; 4 hours; max. enrollment: 70

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures and discussions.

Upper Year Research & Writing Requirement: No

Practicum: No

This course will provide students with an overview of the Canadian criminal process. It will begin with an exploration of police investigative powers. The authority of Canadian police to detain, search/seize, question and arrest will all be considered in detail. Special attention will be given to the limitations imposed on each of these powers by the Canadian Charter of Rights and Freedoms. The exclusion of unconstitutionally obtained evidence under the Charter, as well as the availability of other constitutional remedies, will also be addressed. The course will then shift to a consideration of the criminal process after charges are formally brought, including intake procedures, bail, disclosure (the effects of non-disclosure and/or lost evidence), election and plea, preliminary inquiries, the right to trial within a reasonable time and plea-bargaining. The course will then focus on the trial, including trial venue, jury selection and trial procedure. This will be followed by an overview of the law of sentencing, and a brief consideration of appeals.

Evaluation: 100% open book final examination, with the option to write a research paper on an approved topic for up to 50% of the final grade.

Directed Reading: IP Innovation Clinic

(6001S.04 M) *Seminar*

Instructor(s): Professor G. D'Agostino (Fall) & A. Moniz; Adjunct Professor (Winter)

Winter: 4 credits; 4 hours; max. enrollment: 15

Prerequisite Courses: none

Preferred Courses: none

Presentation: Lecture and discussion. This seminar is scheduled over both Fall and Winter terms, the last Friday of every month.

Upper Year Research & Writing Requirement: No

Practicum: Yes

The IP Innovation Program was established in 2019, to support the work of the IP Innovation Clinic, founded in 2010 by Prof Pina D'Agostino. The IP Innovation Clinic is a year-round, needs-based innovation-to-society intellectual property (IP) legal clinic operated in collaboration with Innovation York and supervising law firms Norton Rose Fulbright Canada LLP, Bereskin & Parr LLP and Own Innovation. Under the guidance and mentorship of the Clinic Director and supervising lawyers, law students provide one-to-one legal information services (not legal advice) to inventors, entrepreneurs, and start-up companies to assist with the commercialization processes. Through this hands-on practical experience, law students learn about common early-stage IP and business issues facing actors in the innovation ecosystem.

Under the rubric of the IP Innovation Program, approximately 15 upper year law students called "senior clinic fellows" (2L and 3L students) will work in the clinic for the academic year, under the supervision of the Clinic Director, lawyers, and the Clinic Supervisor. Senior clinic fellows spend approximately 6 hours/week throughout the year on client file-related work and clinical projects. The clinical work includes managing at least two client files, conducting intake meetings, performing prior art searches, reviewing patent specifications, performing freedom-to-operate and clearance searches, reviewing IP licensing transactions, assisting with the preparation and filing of provisional patent applications, drafting memos and conducting legal research. In addition to client file-related work, senior clinic fellows will also work on clinical projects, such as providing IP awareness and education to the clinic clients and the community. IP awareness and education activities include presentations and/or workshops about the basics of IP law, commercialization, licensing, IP strategy, etc.

In addition to the approximately 78 hours per semester on client file-related work and clinic projects, Senior clinic fellows will attend pre-scheduled, mandatory 2-hour monthly seminars with the Clinic Director (and Clinic Supervisor and sometimes guests and/or participating supervising lawyers) and attend other informal meetings as necessary. The purpose of the seminars will be to deepen the students' understanding of IP in a practical context, the role of IP in commercialization and IP skills and strategies. Students will also have an opportunity to rotate on presenting and discussing assigned reading materials on select topics to enhance their collective learning and reflection of their clinical work, and wider community legal IP context. Presentations and seminars may take place online via Zoom or other similar platform with mandatory audio and video participation for Senior clinic fellows.

Senior clinic fellows will keep a weekly reflective journal and submit it for review by the Program Director at the end of the term.

Evaluation: 20% of letter-grade to be awarded to Research and Writing

- 20% of letter-grade to be awarded for presentations
- 10% of letter-grade for seminar participation
- 50% of letter-grade based on clinical work evaluated on a credit/no-credit basis.

Directed Reading: Legal History Workshop

(6001J.03 M) *Seminar*

Instructor(s): Professor P. Girard

Winter: 3 credits; 2 hours; max. enrollment: 15

Prerequisite Courses: None

Preferred Courses: None

Presentation: Remote (Zoom), Discussion, participation. Fall Term Schedule: Wednesday, 6.15 – 8.15 p.m. & Winter Term Schedule: Wednesday, 6.15 – 8.15 p.m.

Mode of Delivery: This seminar will be run remotely on Zoom. A physical room at Osgoode will be assigned for the seminar where students can do the classes if they are at Osgoode, rather than only having the option of joining from home.

Upper Year Research & Writing Requirement: Yes

Practicum: No

The Workshop, also known as the Osgoode Society Legal History Workshop, takes place on Wednesday evenings via Zoom (only) throughout 2022-23. It meets approximately seven times in each term, on roughly alternate Wednesdays. The schedule for the first term will be arranged during the summer of 2022 and will be available by August. The schedule for the second term will be arranged during the first term and will be available by the end of November. Students must take the course for the full year. Each session a different presenter will circulate in advance a paper on which he or she would like comment and critique. The presentations may be on any aspect of legal history, from any jurisdiction or time period, though most tend to be on Canadian or US topics. Students enrolled in the course for credit are not expected to present a paper, but to read the papers and participate in the discussion and critique that occur at each session. Through exposure to varied topics in and approaches to legal history, students will come to appreciate the methodologies and modes of analysis employed in doing legal history.

Attendees at the workshop in addition to J.D. students are graduate students and faculty in law and history from U of T and York, as well as members of the profession and other interested parties. Paper presenters are mostly workshop members, but some are visitors from other universities inside and outside Canada. Workshop presenters in recent years from outside Toronto have included Constance Backhouse (Ottawa), David Fraser (Nottingham), Robert Gordon (Yale), Rande Kostal (Western), Brad Miller (British Columbia), Michel Morin (Montreal), Rebecca Scott (Michigan), and Brian Young (McGill).

All members of the law school community are welcome to attend any workshop. JD students or graduate students wishing to register in the workshop for credit may do so. No previous background in history is required.

Evaluation: Students will attend (remotely) a minimum of 10 of the workshop sessions. In addition, students will prepare 4 comments on the papers, of 600-800 words each. Students will also write a paper of 7,000 words (not including bibliography and footnotes) on any legal history topic. The topic for these papers must be approved by the instructor. Evaluation will be based on the paper (80%) and workshop participation (20%), which includes the comments on papers and contributions to discussion. Students must pass both the paper and the participation component to receive credit for the workshop.

Directed Reading: Venture Capital Project

(6001K.04 M) *Seminar*

Instructor(s): G.Chen; Adjunct Professor

Winter: 4 credits; 2 hours; max. enrollment: 20

Prerequisite Courses: none

Preferred Courses: none

Presentation: This seminar is by application only and students have been selected for the 2022/2023 academic year. The seminar is scheduled for both the Fall and Winter terms.

Upper Year Research & Writing Requirement: No

Practicum: No

This Directed Reading Course builds upon the Osgoode Venture Capital Clinical Project (OVC), which has for over eight years provided legal services to early stage entrepreneurial ventures in the financing and equity structuring stages of growth.

Osgoode students will work as Caseworkers directly with lawyers from Wildeboer Dellelce LLP, and the entrepreneurs or executives associated with the early-stage business ventures supported by the OCV. Students will gain valuable experience in drafting a retainer and scope of work agreement, client communications, client consultations, drafting legal agreements, corporate finance, employment matters, technology, and operational matters.

There will also be two training sessions conducted by Wildeboer lawyers at their offices downtown, one on best practices in client representation and communication; and the other on the substantive elements of typical representation of early stage companies. Osgoode students will not be providing legal advice.

Evaluation: Two of the credits will be graded based on attendance/participation/discussion when classes are scheduled over the course of the year, plus a 3,500 word paper on a topic related to venture capital and start-ups to be submitted during Winter semester. The other half of the credits will be based upon credit/no credit practical work under the supervision of Wildeboer lawyers. The graded component of the Directed Reading course will involve readings about choices of entity structure, financing start-ups, special issues involved in family firms and social enterprises, and the professional responsibility issues involved in representing both the firm and its principals. The grade for the course – including graded academic related work and ungraded (credit/non-credit) related work for the practical aspects of the program – will all form part of one final letter grade, which will be listed as a Winter grade on each student's transcript,

Disability & the Law

(4905.03 A) *Course*

Instructor(s): M. MacGregor; Adjunct Professor

Fall: 3 credits; 3 hours; max. enrollment: 20

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lecture and interactive discussions, student presentations

Upper Year Research & Writing Requirement: Yes

Practicum: No

This course examines disability as a legal category with implications for the rights of persons with disabilities. Students will be introduced to alternative conceptions and theories of disability and impairment, and will examine how law constructs and regulates the lives of persons with disabilities. Throughout the course we will examine statutory provisions and jurisprudence in different areas including: family, reproduction, death and dying, health, mental health, human rights, social and economic welfare to understand how disability is defined and regulated by law. This course analyzes and evaluates how law can best achieve the goals of social justice and equality for persons with disabilities. This course offers in-class instruction in an interactive lecture/discussion/presentation format. Students are expected to read the assigned materials before class and to participate in analytical class discussions. From time to time, guests will be invited to speak about their area of expertise and/or their experience of law and disability.

Evaluation: Class Participation and Attendance: 10%, Research Paper: 70%, Class Presentation: 20%.

Emerging Technologies: Law, Policy and Governance

(2003.04 M) *Course*

Instructor(s): Professor J. Penney

Winter: 4 credits; 4 hours; max. enrollment: 70

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures with some group-style discussion/engagement.

Upper Year Research & Writing Requirement: No

Practicum: No

Established technologies like the internet and social and emerging ones like artificial intelligence, machine learning, and robotics, are transforming how we live, work, and interact. These changes raise a host of complex law, policy, ethical, and governance challenges in a range of domestic and global contexts, including internet censorship, the role and regulation of social media platforms, disinformation and online abuse, legal automation, algorithmic discrimination, privacy, surveillance, fintech, and cyber-warfare. Among the kinds of questions pursued in this course: Who is responsible when technology causes harms? Do we have to forego privacy for either technological innovation or security? How best to regulate social media, if at all? What can we do to prevent algorithmic discrimination and other forms of technology-enabled human rights abuse? What is “ethical” AI and how can we incentivize it?

These issues and other significant challenges and controversies in the law, policy, and governance of emerging technologies will be contextualized and brought to life via case-studies and real world scenarios involving issues that are often currently in the news and unfolding in real time outside the classroom in government, industry, and civil society. The course aims to introduce and provide a foundation in law and technology issues -- to identify them, understand and think critically about them, and manage them in practice.

Evaluation: 10% participation/engagement; 25% mid-term assignment (e.g., a group or individual assignment); and 65% final take home examination.

Entertainment & Sports Law

(3840.03 P) *Seminar*

Instructor(s): S. Selznick; Adjunct Professor

Winter: 3 credits; 2 hours; max. enrollment: 20

Prerequisite Courses: None

Preferred Courses: None

Presentation: Seminar - Lecture, discussion

Upper Year Research & Writing Requirement: Yes

Practicum: No

This seminar course comprises two components:

1. Entertainment Law

The entertainment law portion of the seminar will focus on matters of essential concern to persons in the entertainment industry and their legal advisors. Upstream, we will examine chain-of-title to underlying rights, acquisition of primary, format and subsidiary rights, and perfecting rights from technical and creative personnel, including copyright and other legal considerations. A discussion of personal service contracts will include an examination of the basic terms and types of agreements between service providers and their engagers. Downstream, we will examine distribution and other exploitation of entertainment properties, and the use of incentives as an instrument of government policy in the development of both an indigenous and non-indigenous entertainment sector in Canada. We will also review business modelling, financing and related legal considerations in film and television, music recordation and publishing, the literary arts, and in theatre and live performance, including tax implications, international treaties, government regulation and the sources and vehicles of financing.

2. Sports Law

In the sports law portion of the seminar, we will examine the legal relationship between the athlete and his or her engager, including the concept of the standard player contract and individual and collective bargaining/negotiation versus traditional legal concepts of conduct that is otherwise anti-competitive or in restraint of trade. We will also consider the phenomenon of the "problem athlete", including the imposition of discipline both at the team employer and league level, and related judicial review. Lastly, we will examine interference with contractual and economic relationships between athlete and engager, including the concepts of inducing breach of contract and tampering in the sports context.

Evaluation: Class participation (10%), research paper of at least 7,000 words (90%).

Environmental Law

(2880.04 A) *Course*

Instructor(s): S. Pasternack; Adjunct Professor

Fall: 4 credits; 4 hours; max. enrollment: 70

Prerequisite Courses: none

Preferred Courses: none

Presentation: In-person classroom lecture/discussion (3 hours), plus 1 hour synchronous (occasional asynchronous) -- interactive lectures, case-study discussions, student presentations, possible guest speakers.

Upper Year Research & Writing Requirement: No

Practicum: No

This course introduces the law of environmental protection in Canada. In considering a wide range of environmental issues, we will bring major issues and contemporary developments to life using news stories, videos, case studies, and possible guest lectures. We will begin with an overview of the controversies and problems that environmental disputes, laws and policies attempt to resolve. We then will explore topics such as common law environmental litigation (e.g. toxic torts, class actions, SLAPP suits); jurisdiction to legislate (e.g. federal/provincial division of powers, local government powers, Aboriginal self-government); command regulation, regulatory innovations, and market-based alternatives (e.g. emissions trading); public participation and environmental rights (e.g. Ontario Environmental Bill of Rights, community right to know laws); environmental compliance and enforcement (e.g. environmental sentencing, citizen enforcement); judicial review of environmental decision-making (e.g. standard of review, public interest standing); major federal and Ontario environmental statutes (e.g. air, water, waste, contaminated lands; parks/protected areas; species at risk); comparisons with U.S. environmental law and policy; international law and the environment (e.g. multilateral environmental agreements, international trade and investment law; and cross-cutting issues (e.g. climate change, food policy). During the term, students will present on an assignment relevant to the current topic(s).

The course is integrated with the Faculty of Environment & Urban Change graduate course ENVS 6164 and typically includes students from the MES and MBA programs, whose presence greatly enriches the learning experience.

Evaluation: Class participation (includes attendance, general discussion, "on call", and presentation of written term assignment) (25%); written term assignment (20%); final open-book exam (55%).

Term assignment: During the term, students must complete one written assignment from any of these categories and present the outcome in-class: (1) brief a hypothetical client on an environmental liability or environmental compliance issue; (2) design a federal, provincial or municipal law to address an overlooked or emerging environmental issue; (3) prepare a public comment in response to an environmental policy or environmental regulation posted on the Environmental Registry of Ontario or the federal environmental registry.

Estates

(2050.04 A) *Course*

Instructor(s): H. Black; Adjunct Professor

Fall: 4 credits; 4 hours; max. enrollment: 70

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, discussion

Upper Year Research & Writing Requirement: No

Practicum: No

A basic and fundamental course in the law of Wills and Estates, including: an examination of will planning and drafting; consequences of not having a will; steps involved in the administration of an estate; the impact of legislation dealing with basic income tax issues, matrimonial entitlement, and the support of dependants; mental incapacity issues and the appointment of substitute decision-makers for incapable persons; and the resolution of estates disputes, including a review of available alternative dispute resolution procedures.

Evaluation: 100% open-book examination or 50% open-book examination and 50% term paper. If the paper/exam option is chosen, paper is due on first day of the examination period. Topic must be course-related and approved by the instructor. Grade for paper will comprise 50% of final grade if it is higher than examination grade; otherwise, course grade will be based solely on the final examination.

Estates

(2050.04 P) *Course*

Instructor(s): S. Michaud; Adjunct Professor

Winter: 4 credits; 4 hours; max. enrollment: 70

Prerequisite Courses: none

Preferred Courses: Trusts

Presentation: 3 hour in-class lecture and discussion (one time block) plus one-hour asynchronous pre-recorded lecture.

Upper Year Research & Writing Requirement: No

Practicum: No

With the aging Canadian population, estate planning and administration are in a growing area of legal practice. This is a course primarily on the law of succession to property on death, including:

- capacity to make a Will and do other estate planning transactions
- appointment and role of substitute decision makers during incapacity
- dying without a Will and devolution of property passing through the estate
- formal validity of a Will and testamentary gifts
- structuring a Will
- various challenges to a Will such as interpretation and limitations
- property passing on death outside the estate through joint ownership or designation of beneficiary (on life insurance and registered plans)
- the steps involved in the administration of an estate
- high level impact of estate administration tax and income tax on estates
- spousal property rights on death and the support of the deceased's dependants
- estate lawyer's duties to a client, including under the Rules of Professional Conduct and
- some tools to protect the estate plan from legal challenge.

By registering for this course, students acknowledge that short portions of their submitted assignments may be subsequently used in class, for review and education purposes, in compliance with the Fair Dealing Guidelines for York Faculty and Staff.

Evaluation: 10% class participation – based on attendance plus posting questions/reflections to eClass forum

20% mid term assignment – submitted and marked through eClass and subject to word limit

70% take home final exam – to be completed over one day in exam period and subject to word limit

Evidence

(2490.04 A) *Course*

Instructor(s): Professor B. Berger

Fall: 4 credits; 4 hours; max. enrollment: 70

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures; discussions; problem solving. E-learning and online components may be used in the delivery of the course.

Upper Year Research & Writing Requirement: No

Practicum: No

This course is an introduction to criminal and civil evidence law in Canada. Among the topics considered in the course are the following: understanding the law of evidence as law's particular "way of knowing"; the substantive law of evidence, including basic concepts such as relevance and admissibility, exclusionary rules based on unreliability and prejudicial effects, exclusionary rules based on policy rationales, and other aspects of proof; the way that the laws of evidence work in trial practice, as well as the historical, social, political, and legal context in which they operate; the relationship between the laws of evidence and social justice, in particular the impact of the law of evidence on gender issues and Aboriginal justice; ethical issues in the law of evidence; and the effect of the Canadian Charter of Rights and Freedoms upon the law of evidence.

Evaluation: 100% open book examination; or 60% open book examination with the options for written assignments valued at 40%.

Evidence

(2490.04 B) *Course*

Instructor(s): R. McKechney and S. Weinstein; Adjunct Professors

Fall: 4 credits; 4 hours; max. enrollment: 70

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures; discussion; problem-solving

Upper Year Research & Writing Requirement: No

Practicum: No

This course will examine the basic rules and principles of evidence law in Canada, and the impact of constitutional principles and constraints. The course will also examine some of the philosophical underpinnings on which judges and legislators rely when they develop and apply rules of evidence. Students will learn how to reason about evidence, and will be encouraged to reflect critically on the modern law of criminal evidence.

Evaluation: 100% open book final examination, with an option to write a paper for a portion of the grade.

Evidence

(2490.04 P) *Course*

Instructor(s): Professor P. Paciocco

Winter: 4 credits; 4 hours; max. enrollment: 70

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures; in-class discussions; assigned readings and pre-recorded videos; practice exercises.

Upper Year Research & Writing Requirement: No

Practicum: No

This course will introduce students to the law of evidence in Canada. It will examine how the common law, statutes, and the Constitution interact to govern the proof of facts in both civil and criminal trials. Topics to be addressed include: burdens of proof; the role of the trial judge in managing the introduction of evidence; methods of presenting evidence; witness competency and compellability; relevance; and the various exclusionary rules that operate to limit the kinds of proof that can be received at trial (i.e. the rules governing hearsay, privilege, expert opinion evidence, etc.). The course will engage ethical issues that arise in the context of evidence law. It will consider how some rules of evidence have evolved historically, and it will attend to the social, political, and institutional contexts in which evidence law operates. The course will encourage critical reflection on the theories, purposes, and justifications that animate evidentiary rules, and on how those rules impact different individuals and communities.

To prepare for each class, students will be asked to view pre-recorded lectures and/or complete assigned readings. (The reading load has been adjusted to account for the time spent on pre-recorded lectures). Students will also complete 10 short online (eClass) exercises designed to help reinforce the material as the semester progresses. Class time will be dedicated to further lectures, discussions, and a variety of in-class exercises.

Evaluation: Students may elect to write either an open book take-home examination worth 90% of their grade, or the same open book take-home examination worth 60%, plus a written assignment worth 30%. The written assignment will take the form of an extended case comment. For all students, the remaining 10% of the grade will be earned through the completion of 10 short online (eClass) exercises, which will be graded on a complete/incomplete basis.

Evidence

(2490.04 Q) *Course*

Instructor(s): O. Goddard & S. Walker; Adjunct Professors

Winter: 4 credits; 4 hours; max. enrollment: 70

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lecture, discussion

Upper Year Research & Writing Requirement: No

Practicum: No

This course is an introduction to the law of evidence. What is evidence? When is evidence admissible? How does it get admitted? In this course, we will learn about the specific rules that apply to many categories of evidence, like hearsay, expert opinions, and privilege. But we will also learn about the general principles that inform the overall structure of our rules of evidence, and the common sense assumptions that underlie them. We will see what happens to the rules when those assumptions are challenged or proven untrue, the role Parliament has played in efforts to reform the rules of evidence, and the balance the court has struck between competing interests in light of the Charter of Rights and Freedoms.

Evaluation: The evaluation method will be a 100% final exam and an optional paper assignment that will be worth 40% of the final grade for students who choose to write it.

Family Law

(2060.04 A) *Course*

Instructor(s): Professor S. Drummond

Fall: 4 credits; 4 hours; max. enrollment: 70

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lecture and discussion

Upper Year Research & Writing Requirement: No

Practicum: No

The course is intended to provide an introduction to the legal regulation of the family in Canadian and provincial law. The course is divided into six sections in order to facilitate an examination of the creation of the family unit, the regulation of the ongoing family, and the problems of family breakdown.

The first three classes present an introduction to various definitions of the family and provides relevant sociological and demographic context to the range of viable definitions. An overview of the seminal issues and tensions in family law will be canvassed. The introductory materials also cover the constitutional dimensions of family law.

The introductory materials are followed by a series of classes on the creation of the family. Several weeks of classes will cover adult relationship formation (including marriage) and the creation of parent-child relationships including adoption and reproductive technologies.

This is followed by a series of classes on the dissolution of the family. It is in this section that students will be exposed to the technicalities of divorce, along with topics such as the private ordering of dissolution (via mechanisms such as contract, mediation, and collaborative lawyering).

The fifth section covers the consequences of dissolution for adults by an examination of property division on dissolution, dealings with the matrimonial home, and spousal support.

The sixth and final section of the course deals with the consequences of family dissolution for children and covers issues such as custody and access, and child support.

In examining the rights and responsibilities of family members, we will explore questions such as: What is a family? What is a spouse? What is a parent? The answers to these questions are no longer as settled as they once seemed. We will consider the law's answer to these questions, and the extent to which the legal regulation of the family is responding to changing and diverse family forms. Attention will be given to the issues of gender, race and class.

This class will be delivered in-person to the extent that York University's Disruption Policy allows (i.e., York's COVID-related policy). Classes will be audio-recorded.

The course will be taught from a critical and policy-oriented perspective. The course emphasizes the role of law in defining and enforcing family arrangements, and the rights and responsibilities of family members. The course pays particular attention to law reform and policy choices in the legal regulation of the family in Ontario. The objective of the course is to provide a social, political and economic context within which legislative policies and judicial approaches can be understood and critically evaluated.

Evaluation: 20% - two review exercises of 300 words in length (worth 10% each); graded based solely on turning an answer in prior to class discussion of the problematic. Responses will not be read by professor.

30% - mid-term take-home exam on matrimonial property

50% - final exam on entirety of course except matrimonial property.

There is a paper option for the final exam whereby the exam must be written in its entirety, but a paper can also be written and submitted prior to the exam that comprises half of the exam grade only in the event that it garners a higher grade than the exam grade - in which case the exam grade counts for 50% and the paper 50%. I.e., there is no downside risk to writing a paper. Paper topics driven by students.

Family Law I

(2060.04 B) Course

Instructor(s): M. Kraft and R. Tsao; Adjunct Professors

Fall: 4 credits; 4 hours; max. enrollment: 70

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lecture, discussion

Upper Year Research & Writing Requirement: No

Practicum: No

What is "marriage"? What is a "spouse"? Who is a "parent"? Who is a "child"? What is a "family"? Does it matter? The answers to these questions, and many others, are no longer as obvious as they may once have seemed to be.

Family law is a dynamic and ever-changing area of the law. Analyzing legislation (including recent amendments to the *Children's Law Reform Act* and the *Divorce Act*), the common law and public policy, and drawing on the practical experience of the instructors and occasional guest speakers, this course offers an introduction to the regulation of the "family" under Ontario and Canadian law. The course will focus on the rights and obligations between spouses, children, parents and third parties upon the creation of the family unit; and upon family breakdown. In examining these issues, the course will examine the legalities surrounding the formation and dissolution of marriage and common law relationships, child and spousal support; parenting, property division, reproductive technology; the role and consideration of family violence and the private ordering of family rights and obligations through Domestic Contracts. The course will have a practical bent, taught from the point of view of family law practitioners.

Evaluation: 1) Open book final examination worth 100%; OR

2) Up to two assignments, valued at 10% each (for up to 20% total), one of which will offer students the ability to practically apply some of the principles learned;

AND an open Book Examination for the remainder.

Family Law I

(2060.04 P) *Course*

Instructor(s): Professor S. Drummond

Winter: 4 credits; 4 hours; max. enrollment: 70

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lecture and discussion

Upper Year Research & Writing Requirement: No

Practicum: No

The course is intended to provide an introduction to the legal regulation of the family in Canadian and provincial law. The course is divided into six sections in order to facilitate an examination of the creation of the family unit, the regulation of the ongoing family, and the problems of family breakdown.

The first three classes present an introduction to various definitions of the family and provides relevant sociological and demographic context to the range of viable definitions. An overview of the seminal issues and tensions in family law will be canvassed. The introductory materials also cover the constitutional dimensions of family law.

The introductory materials are followed by a series of classes on the creation of the family. Several weeks of classes will cover adult relationship formation (including marriage) and the creation of parent-child relationships including adoption and reproductive technologies.

This is followed by a series of classes on the dissolution of the family. It is in this section that students will be exposed to the technicalities of divorce, along with topics such as the private ordering of dissolution (via mechanisms such as contract, mediation, and collaborative lawyering).

The fifth section covers the consequences of dissolution for adults by an examination of property division on dissolution, dealings with the matrimonial home, and spousal support.

The sixth and final section of the course deals with the consequences of family dissolution for children and covers issues such as custody and access, and child support.

In examining the rights and responsibilities of family members, we will explore questions such as: What is a family? What is a spouse? What is a parent? The answers to these questions are no longer as settled as they once seemed. We will consider the law's answer to these questions, and the extent to which the legal regulation of the family is responding to changing and diverse family forms. Attention will be given to the issues of gender, race and class.

This class will be delivered in-person to the extent that York University's Disruption Policy allows (i.e., York's COVID-related policy). Classes will be audio-recorded.

The course will be taught from a critical and policy-oriented perspective. The course emphasizes the role of law in defining and enforcing family arrangements, and the rights and responsibilities of family members. The course pays particular attention to law reform and policy choices in the legal regulation of the family in Ontario. The objective of the course is to provide a social, political and economic context within which legislative policies and judicial approaches can be understood and critically evaluated.

Evaluation: 20% - two review exercises of 300 words in length (worth 10% each); graded based solely on turning an answer in prior to class discussion of the problematic. Responses will not be read by professor.

30% - mid-term take-home exam on matrimonial property

50% - final exam on entirety of course except matrimonial property.

There is a paper option for the final exam whereby the exam must be written in its entirety, but a paper can also be written and submitted prior to the exam that comprises half of the exam grade only in the event that it garners a higher grade than the exam grade - in which case the exam grade counts for 50% and the paper 50%. I.e., there is no downside risk to writing a paper. Paper topics driven by students.

Fundamental Justice and the Charter

(3060.03 M) *Seminar*

Instructor(s): D. Sheppard; Adjunct Professor

Winter: 3 credits; 2 hours; max. enrollment: 20

Prerequisite Courses: None

Preferred Courses: None

Presentation: Discussion

Upper Year Research & Writing Requirement: Yes

Practicum: No

Section 7 has emerged as one of the Charter's most important and challenging provisions. This seminar provides students the opportunity to examine s. 7 in depth, from historical, theoretical, doctrinal and jurisprudential lenses. Topics to be addressed include: the historical origins of s. 7; the nature of the entitlements (life, liberty, security of the person); engagement; principles of fundamental justice (including the "instrumental rationality" principles of arbitrariness, overbreadth and gross disproportionality); s. 7 and the Criminal law (e.g. right to silence, full answer and defense); the role of s. 7 outside of the criminal law (e.g. immigration, extradition); and positive & social rights (e.g. housing, healthcare, environmental rights). Wherever possible, students will be exposed to emerging s. 7 issues, including through the examination of recent and ongoing litigation.

Evaluation: Research paper (70%); Research paper proposal (5%); Attendance and participation (25%). Attendance and participation grade includes one presentation during the seminar, as well as small reflective exercises throughout the term.

Globalization & the Law

(2008.03 M) *Course*

Instructor(s): M. Azeem; Adjunct Professor

Winter: 3 credits; 3 hours; max. enrollment: 5

Prerequisite Courses: none

Preferred Courses: none

Presentation: Lecture; seminar; discussion. This course will be taught in three-hour weekly classes over nine weeks for a total of twenty-seven hours beginning in the week of January 16, 2023.

Upper Year Research & Writing Requirement: Yes

Practicum: No

This course asks students to consider, critically and with an interdisciplinary approach, the changing role of law in the context of globalization.

Since the 1990s, international financial institutions (IFIs), Global Supply Chains (GSCs), and the World Trade Organization (WTO) have pushed for new international legal regimes covering intellectual property, competition, banking, tax, tariff, and anti-dumping laws to protect investment (property), integrate markets, promote capitalist growth, and for contract enforcement. There have also been 'social' interventions through 'good governance,' control of corruption, rule of law, human rights, labour and environmental laws initiatives as soft conditionalities for loans, trade, investment, and business rankings. These interventions in total have led to significant legal reforms in the national and domestic laws of most countries. International donor agencies, NGOs, civil society, and judges have by and large uncritically monitored these reforms on a piece-meal basis. Yet the massive repeals, amendments, and new enactments of laws in developing and developed countries have affected state autonomy, as well as economic, political, industrial, and social life, particularly the lives of workers, peasants, women, and indigenous communities.

This course attempts to look at these changes in law and how have communities and social movements resisted the new legal regimes and how have lawyers and activists used the law, courts, and international institutions in class action suits and public interest litigation across national and international legal fora? We will use a neo-Gramscian approach to global hegemony and a Third World Approach to International Law (TWAIL) as our theoretical framework. Students will read essential cases in international courts involving states, GSCs, international NGOs, and communities that challenge intellectual property violations, competition, anti-dumping laws, labour and environmental law, etc.

Evaluation: i. A final research paper (5,000 words for first years and 7,000 words for upper years, excluding footnotes and bibliography) on a topic approved by the instructor based on a preliminary proposal/outline from the student, worth 60% of the final mark

ii. Two short reaction papers and presentations on assigned readings and cases will comprise 40% of the final mark.

Governance of the International Financial System

(3610.03 A) *Seminar*

Instructor(s): Professor G. Van Harten

Fall: 3 credits; 2 hours; max. enrollment: 20

Prerequisite Courses: None

Preferred Courses: None

Presentation: Seminar discussion

Upper Year Research & Writing Requirement: Yes

Practicum: No

This seminar aims to provide students with a solid grounding in the legal and policy issues arising from the operation of the international financial system. It will be of special interest to students interested in public international law, financial regulation, and political economy of law. The substantive focus is on the role of relevant international institutions, especially the International Monetary Fund. The seminar will likely begin with sessions on the history, economics, and politics of the international financial system, examining concepts such as money, the balance of payments, rules and discretion, soft law, and sovereignty. It then turns to the evolution of the IMF and its Articles of Agreement, its regulation of the current and capital accounts of national economies, and the IMF's relationship to other institutions, such as national governments/ central banks and private banks/ hedge funds.

The seminar content will probably evolve in an effort to capture current developments in the relationship between states, international institutions, and financial markets. In previous years, for instance, we examined sovereign debt, offshoring and tax havens, government responses to the 2008-2009 financial crisis, the causes and evolving risks of financial instability, and the unfolding power relations among states and between states and private actors. Significant time is allocated in the seminar for critiques and for discussion of possible reforms. Students are afforded opportunities to develop their analytical, presentation, and research/ writing skills, in particular.

Given the current instability of the international financial system, this year students may be offered a dedicated research topic on which to write and report back to the class with a view to developing our collective understanding of current issues and of the perspectives and strategies of different institutions and key actors.

Evaluation: Research paper (80%); participation/ class activities (20%).

Health Law

(3004.03 A) *Seminar*

Instructor(s): K. Bryan & L. Rosen; Adjunct Professors

Fall: 3 credits; 2 hours; max. enrollment: 20

Prerequisite Courses: None

Preferred Courses: None

Presentation: Discussion, student participation including presentations, lectures

Upper Year Research & Writing Requirement: No

Practicum: No

This seminar explores the dynamic and challenging field of health law, with a focus on practical issues. The course provides a survey of the legal framework and policy considerations underlying the cornerstone areas of health law, including: consent to treatment; mental capacity and substitute decision-making; professional regulation and governance; medical malpractice; emergency management and civil protection; and health information privacy. Practical and topical issues will be explored in the areas of: elder law (issues in long-term care facilities, retirement homes); the law of medical assistance in dying in Canada; human rights in health care; hospitals and health care facilities (including physician privileges, employment issues and tensions between administrators, healthcare professionals and other stakeholders); pandemic and emergency management; reproductive health and surrogacy; and research ethics.

Typical seminars will cover substantive law including case law and statutes, as well as policy issues and professional responsibility concerns. Students are expected to actively participate via class discussion and a class presentation. Guest speakers will provide unique perspectives on particular topics. Students will be asked to attend (in person or through electronic means) a hearing in the health law field and to reflect on that proceeding in a midterm written paper. Through readings, class discussion and assignments, students will gain a foundation for a dedicated health law practice and an analytical framework for addressing health law issues as they arise in other practice areas.

Evaluation: Major paper of 5,000 words excluding footnotes or endnotes, bibliography and appendices (50%), 5-7 page reflective paper (25%), class presentation (15%), and class attendance/participation (10%).

ICT Colloquium

(5810.03 M) *Seminar*

Instructor(s): Professors S. Bandopadhyay & G. Van Harten

Winter: 3 credits; 2 hours; max. enrollment: 10

Prerequisite Courses: Successful completion of ICT Program pre-Colloquium requirements. Note: in 2022-2023, the ICT students will enrol in the ICT Colloquium but attend the Climate Change Law seminar.

Preferred Courses: None

Presentation: Seminar style discussion, possible guest lecture, student presentations

Upper Year Research & Writing Requirement: Yes

Practicum: No

Climate disruption is attributable to historical and current day modes of production and consumption. Enduring solutions will require significant shifts in how modern societies are governed. Governance, in this context, is unlikely to succeed without attention to related priorities of sustainability, justice, and cohesion. Yet there is ample evidence that many leaders and institutions are unable or unwilling to address the challenge effectively.

This seminar explores legal and policy issues related to efforts to control the causes and respond to the impacts of climate disruption. It approaches the topic from an interdisciplinary perspective that considers law, science, politics, economics, and history. The seminar is also concerned with how these perspectives can support pragmatic strategies in different areas of law and policy and at different levels of decision-making.

The seminar has two thematic segments. The first segment will examine the historical, political, socio-economic, and scientific background within which the modern problem of climate disruption has arisen. This segment will also provide a broad survey of the major international legal regimes that have been developed to address the problem.

The second segment will focus on analyzing legal and institutional barriers to pragmatic action towards forestalling climate disruption and mitigating its impact on society. Particular attention will be paid to core societal functions such as food production, land management, water and wastewater infrastructure, energy, and transportation and communications. Students will have the opportunity to do their research and planning in a relevant area.

Evaluation: Evaluation will be divided between:

- class participation (20%),
- student presentation/ co-leading (10%),
- research paper (70%) (a 7000-word research paper that can fulfill students' Upper Year Research and Writing Requirements).

Immigration Law

(4270.04 A) *Course*

Instructor(s): N. Mithoowani and T. McElroy; Adjunct Professors

Fall: 4 credits; hours; max. enrollment: 70

Prerequisite Courses: none

Preferred Courses: Administrative Law

Presentation: Lecture and discussion

Upper Year Research & Writing Requirement: No

Practicum: No

This course begins with an overview of the Canadian immigration system and international migration patterns with the objective of understanding who is coming to Canada and why. The basic features of the Immigration and Refugee Protection Act and the Regulations will then be discussed including: family sponsorship, economic immigration and inadmissibility. Embedded in this discussion will be an overview of how immigration decision-making takes place and the reviewability of immigration administrative decisions. A portion of the course will be devoted to looking at current topics in immigration law.

Evaluation: In-Class Participation/Assignments (20%), Open-book examination (80%).

Indigenous Peoples and Canadian Law

(2110.04 A) *Course*

Instructor(s): Professor A. Bhatia

Fall: 4 credits; 4 hours; max. enrollment: 75

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lecture & in-class discussions. Note: This course satisfies the Indigenous and Aboriginal Law Requirement.

Upper Year Research & Writing Requirement: No

Practicum: No

This substantive law course provides a critical survey of state law as it relates to Indigenous peoples and lands in what is now known as Canada. Topics include but are not limited to: Indigenous sources of law; international law; Indigenous women, gender and law; historical context and constitutional framework re. Indigenous Peoples; Aboriginal title and doctrine of discovery; treaties; resource rights, extinguishment and consultation; the Indian Act and identity; allyship; & community lawyering. The class is taught through the use of a variety of techniques, including class exercises, videos, and collaborative problem-solving. This course fulfills the prerequisite requirements for the Intensive Program in Indigenous Lands, Resources and Governments.

Evaluation: Participation 15%, In-Class Quizzes 45%, and Final Group Assignment 40%.

Indigenous Peoples and Canadian Law

(2110.04 B) *Course*

Instructor(s): Professor J. Hewitt

Fall: 4 credits; 4 hours; max. enrollment: 75

Prerequisite Courses: None

Preferred Courses: None

Presentation: Note: This course satisfies the Indigenous and Aboriginal Law Requirement.

Upper Year Research & Writing Requirement: No

Practicum: No

This substantive law course explores Indigenous legal orders – mainly nêhiyaw (Cree) and Anishinaabe laws – through the lens of Indigenous worldview(s), and provides a critical survey of state (mainly Canadian) law. Topics include but are not limited to: Indigenous sources of law; international law; Indigenous women, gender and law; historical context and constitutional framework re. Indigenous Peoples; doctrine of discovery; treaties; resource rights, extinguishment and consultation. This course consists of weekly lectures and in-class discussions. Evaluations encompass: in-class quizzes, participation, and an advocacy component. This course also fulfills the prerequisite requirements for the Intensive Program in Indigenous Lands, Resources and Governments.

Evaluation: There is no final exam in this course. The final evaluation is an advocacy assignment completed in small groups. A summary of the course evaluation is approximately as follows: Participation, 15%; in-class quizzes, 45%; weekly readings, 5%; group advocacy assignment 35%.

Indigenous Peoples and Canadian Law

(2110.04 C) *Course*

Instructor(s): K. Wilkins; Adjunct Professor

Fall: 4 credits; 4 hours; max. enrollment: 50

Prerequisite Courses: None

Preferred Courses: none

Presentation: Lectures and class discussion. Note: This course satisfies the Indigenous and Aboriginal Law Requirement.

Upper Year Research & Writing Requirement: No

Practicum: No

After acknowledging the reality and internal consistency of Indigenous legal systems, this course will seek to develop critical understanding of Canadian law as it affects Indigenous peoples, with particular focus on constitutional themes. Topics will include the notions of sovereignty and self-determination, relevant British imperial law, the honour of the Crown and the enforceable Crown obligations to which it gives rise, federal and provincial legislative authority, section 35 of the *Constitution Act*, 1982, Aboriginal rights and title, treaties and treaty rights, and Indigenous self-government (statutory and constitutional). Ideally, one class session will feature Toronto lawyers who represent Indigenous clients, discussing practice-related issues.

This course satisfies the prerequisite requirement for the Intensive Program in Aboriginal Lands, Resources and Governments. It may also be useful background for advanced seminars about Indigenous Peoples and the Law.

Evaluation: a gentle class participation requirement (10%); written work (90%). For written work, students may do either: (a) a single take-home exam (3 questions of equal value from a structured list of 6: maximum of 20 pp., double-spaced); or (b) three writing assignments of equal value from a structured list of six provided early in the term: maximum of 40 pp., double-spaced).

Indigenous Peoples and Canadian Law

(2110.04 P) *Course*

Instructor(s): Professor A. Boisselle

Winter: 4 credits; 4 hours; max. enrollment: 75

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, discussion. Note: This course satisfies the Indigenous and Aboriginal Law Requirement.

Upper Year Research & Writing Requirement: No

Practicum: No

This course will provide a critical survey of state law as it relates to Indigenous peoples in Canada. Topics will include: the historical context and constitutional framework; Aboriginal rights and title; self-government; treaties and treaty rights; the Indian Act; Inuit rights; Métis rights; and the authority and obligations of the federal and provincial governments.

This course fulfills the prerequisite requirements for the Intensive Program in Aboriginal Lands, Resources and Governments. It is also recommended for students who plan to take an advanced seminar on Indigenous Peoples and the Law.

Evaluation: 10% in-class participation, 40% essay (3500-4000 words) and 50% final exam.

Indigenous Peoples and Canadian Law

(2110.04 Q) *Course*

Instructor(s): S. Craig-Curnow; Adjunct Professor

Winter: 4 credits; 4 hours; max. enrollment: 50

Prerequisite Courses: None

Preferred Courses: None

Presentation: In-person lecture and synchronous online small group discussion. Note: This course satisfies the Indigenous and Aboriginal Law Requirement.

Upper Year Research & Writing Requirement: No

Practicum: No

This substantive law course will explore the interactions between Canadian common law and Indigenous law, primarily Anishinaabe law. The content will be viewed through the lens of Indigenous worldviews. Topics will include, but are not limited to: Indigenous sources of law; historical context and constitutional framework re: Indigenous Peoples; Aboriginal Rights, Title and the Doctrine of Discovery; treaties; resource rights and consultation; and the *Indian Act* and Identity. The course will be presented from a practitioner's perspective working within Anishinaabe communities, with attention to practical intersections between the various topics. *This course fulfills the prerequisite requirements for the Intensive Program in Indigenous Lands, Resources and Governments.*

Evaluation: There is no final exam or mid-term exam in this course. The final evaluation will be an advocacy-based group assignment (in small groups). Evaluation will include 20% participation; 5% short reflections and two (2) quizzes, worth a total of 40%; and 40% Group Advocacy Assignment.

Indigenous Perspectives and Realities

(3833.04 P) *Seminar*

Instructor(s): Adjunct Professor L. Gansworth

Winter: 4 credits; 3 hours; max. enrollment: 20

Prerequisite Courses: None

Preferred Courses: None

Presentation: This is an experiential learning course. Students are expected to participate in all aspects of the course, including lectures, class discussions, land-based and experiential learning activities. Course delivery includes, guest lectures, videos, podcasts, storywork and news stories drawn from real world examples. Students are required to complete assigned experiential activities on their own, wherever they are located.

Note: This course satisfies the Indigenous and Aboriginal Law Requirement.

Upper Year Research & Writing Requirement: Yes

Practicum: Yes

This course will introduce students to fundamentals of knowledge systems that inform Indigenous understandings of law, justice, governance and treaties. It is intended to provide students with a deeper understanding and appreciation of the lived experience of Indigenous peoples in Canada. This course is offered as an experiential education opportunity that will assist students in gaining familiarity, in a variety of contexts, with the diversity of Indigenous worldviews, ontologies and epistemologies that frame Indigenous reality. The course will examine major political, educational, economic, legal, and cultural issues facing Indigenous peoples and communities in Canada in both present-day and historical contexts. Course material will be drawn from the Truth and Reconciliation Commission, the Ipperwash Inquiry, the Royal Commission on Aboriginal Peoples, the United Nations Declaration on the Rights of Indigenous Peoples, and Murdered Missing Indigenous Women and Girls Inquiry; as well as other materials that provide insights into the contemporary reality of Indigenous peoples.

As the main goal of the course is for students to demonstrate a sound appreciation for the perspectives and realities of Indigenous peoples, students will learn directly from Indigenous peoples through guest speakers and assigned multi-media. Students will be required to participate in land based and experiential activities outside of the law school; there will be a remote option for students to fulfill these requirements remotely. The course will be framed around the concept of 'place' (e.g., urban Toronto) and explore relationships to place from a variety of experiential perspectives (e.g., Indigenous, ally, settler Canadian, newcomer).

Evaluation: Evaluation in the course will take a number of forms: class and experiential learning participation (10%), written assignments based on course materials and experiential/reflection activities (2 short writing assignments worth 15% each, for a total of 30%), and a 7,000-word final research paper and presentation (60%). These evaluation components are listed below.

Class and Experiential Learning -10% of the final grade. Ongoing throughout the course.

Written Experiential/Reflection assignments - 2 @ 15% each. (30% of the final grade)

Engage in an experiential learning activity relating to Place in Toronto or elsewhere (e.g., photo voice, multi-media). The written reflections (see above) are based on participating in experiential learning and land-based activities as well as the participation grade.

Final Research Paper and presentation (7,000 words) 60% of the final grade. Papers must be submitted electronically through the online drop box.

Individual Employment Relationship

(2550.04 M) *Course*

Instructor(s): Professor F. Bhabha

Winter: 4 credits; 4 hours; max. enrollment: 70

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lecture, class discussions, student participation

Upper Year Research & Writing Requirement: No

Practicum: No

This course offers an introduction to and comprehensive overview of employment law, which is the law (common law and statutory) governing the individual employment relationship. More than two-thirds of Canadian workers are not unionized; this course is about them and their employers. The goal of the course is to provide students with fluency in the theory, principles, doctrines and jurisprudence of the employee-employer relationship. Main topics include: the formation of an employment contract; express and implied contractual terms; workplace standards; employee and employer rights and obligations during employment, including human rights; the termination of the employment contract and the rights and obligations upon severance.

Evaluation: Final exam: 50%, Written assignment: 30%, Class participation: 20%

Insurance Law

(2280.04 A) *Course*

Instructor(s): J. Campisi; Adjunct Professor

Fall: 4 credits; 4 hours; max. enrollment: 30

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lecture, discussion

Upper Year Research & Writing Requirement: No

Practicum: Yes

Are personal injury lawyers ambulance chasers? Are insurance companies only interested in denying claims and generating profits for their shareholders? There are many misconceptions about the insurance industry despite the important role that insurance law plays in regulating so many areas of our lives. Through this course, students will achieve a better understanding of the role that an insurance law lawyer plays in advancing and defending claims arising out of a motor vehicle collision, a slip and fall accident, or a long term disability claim. Through a case study approach, student simulations and by attending litigation events involving real litigants, students will experience first-hand the application of insurance law and procedure. This will also involve an analysis of the Rules of Civil Procedure, the Rules of the Licence Appeal Tribunal (LAT) and case law generated by the Financial Services Commission of Ontario, the License Appeal Tribunal and multiple levels of the Superior Court of Justice.

Students are required to participate in one of the following insurance litigation events throughout the term: an examination for discovery, a mediation session, a LAT case conference, a LAT Hearing, a pre-trial hearing and a day of trial. The course instructor will facilitate this process. Students will be required to prepare a paper of 5 pages at the end of their real world litigation experience.

Note: As a result of COVID-19 restrictions, attendance at a litigation event will be modified for the Fall 2022 semester. You may be required to participate virtually.

Evaluation: Participation (10%), Reflective Paper (20%) and final examination (70%).

Intensive Legal Research & Writing

(3920.03 M) *Seminar*

Instructor(s): Y, Dina and S. Wang; Adjunct Professors

Winter: 3 credits; 2 hours; max. enrollment: 20

Prerequisite Courses: none

Preferred Courses: none

Presentation: Lectures, discussion, skills-development exercises

Upper Year Research & Writing Requirement: Yes

Practicum: No

This intensive seminar provides students with the opportunity to refresh and update their research and writing skills. Skills reviewed will include the identification, analysis, citation and presentation of authorities; and standard research techniques, tools, and concepts, such as noting-up, controlled subject vocabularies, digests, and boolean searching. We will review the formats and media used to publish legal information, including commercial databases, open access web sites, and print. Additional topics covered will include the publishing and record-keeping practices of the major decision-makers, rule-makers, lobbyists, interest groups, etc.; the publishing and business activities of the significant commercial and non-profit disseminators of information and libraries; and the institutionalization of research activity in law firms, government and academia.

Evaluation: 1. The grade is determined on the basis of a single research paper satisfying the Upper Year Writing Requirement, that is, 7,000 words in length, excluding notes, bibliography and appendices. The paper can be on any legal topic approved by the instructor(s). The paper must state (a) facts (actual or imagined) which do or would give rise to one or more disputed points of law; (b) the tribunal in which the disputed points would be argued; and (c) the order or orders actually or supposedly sought from that tribunal by the party initiating the action, application, prosecution, motion, appeal, etc. The paper itself is to be an argument, involving the disputed points of law, for or against the granting of the order or orders. The jurisdiction of the tribunal may be civil, criminal, arbitral, administrative, appellate, etc. The orders sought may be interlocutory, interim, final, etc. The paper must include a substantive discussion of at least one case decided by the Supreme Court of Canada, an Ontario court or tribunal, or another tribunal acceptable to the instructors. Finally, the paper must, as part of its argument, persuade the reader that the literature, research sources, and methodologies applicable to research on the topic have been thoroughly reviewed and considered. 2. Along with the research paper, students are encouraged to submit additional comments which reflect upon the paper, and explain the choices made in the process of writing it. Although these additional reflective comments will not be graded, they will be taken into account in the grading of the research paper. 3. Students are also required, during the term, to complete two additional research and writing exercises, the purpose of which is to document, in good faith, work in progress on the final research paper, and to invite feedback on that work. Although these two exercises will not themselves be graded, a final grade of "F" for the seminar will be assigned if a student fails to complete and turn in both of them by the "F" Grade Deadline.

International Business Transactions

(2890.03 A) *Course*

Instructor(s): Professor B. Geva

Fall: 3 credits; 3 hours; max. enrollment: 65

Prerequisite Courses: None

Preferred Courses: None

Presentation: lecture; class discussion

Upper Year Research & Writing Requirement: Yes

Practicum: No

Course will cover the payment and financing of international business transactions with particular attention to the sale of goods. With various degrees of emphasis, coverage will consist of:

- Brief introduction to basic conflict of laws rules governing international commercial transactions
- Introduction to international commercial banking (deposit taking, bank and customer relationship, foreign currency and cross-border payment obligations and bank deposits; correspondent banking; foreign currency risks);
- International payments by wire;
- Principal aspects of the law governing documentary sales in international trade: delivery, passage of property and risk);
- From paper to Electronic and functional equivalence of electronic documents.
- Selected aspect pertaining to negotiable instruments as payment and credit instruments in international trade; and
- Payment and financing international trade transactions: documentary collections and letters of credit (and related banking instruments).

Course is appropriate to both second and third year students—there are neither prerequisites nor co-requisites.

While the focus of the course is payment and financing of international trade, this may be the only course offered on the JD level introducing students to the foundations of banking law needed for both domestic and international business transactions. It may also be the only course introducing students to transport documents (such as bills of lading) and their use in international transactions as well as the law that governs international transactions.

At the instructor's discretion final mark may be adjusted by half a mark (or in extreme cases full mark) that may be taken away or added for class participation (including attendance -- as well as leading class discussion as assigned in advance). Classes will be recorded – per the usual policy of the Law School.

Evaluation: A CHOICE (to be irrevocably made by each student by the fourth class) between: either -- a 2.5 hour open book exam (students selecting this option will not satisfy the UYRWR) OR-- 6500-7500 word (text- not including footnotes and bibliography) independent research paper – in satisfaction of Upper Year Research & Writing.

International Dispute Resolution: Sports Disputes & Arbitration

(3007E.03 A) *Seminar*

Instructor(s): H. Meighan & J. Bunting; Adjunct Professors

Fall: 3 credits; 2 hours; max. enrollment: 20

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lecture, discussion, presentations

Upper Year Research & Writing Requirement: No

Practicum: No

This seminar will introduce students to the resolution of sports disputes, particularly through arbitration and as it relates to national and international-level Canadian athletes. The course will be comprised of five modules that address different topics. Module 1 will review the basics of international sports disputes and arbitration more generally, which serves as the bedrock for the resolution of most sports-related disputes. Module 2 will consist of an in-depth review of the global anti-doping system with a particular emphasis on the rules and case law applicable to the hearing of a doping case. The instructors will pull from firsthand experience representing various athletes, coaches and sports federations (eg Tyson Fury, Johan Bruyneel, the International Paralympic Committee and the World Anti-Doping Agency) in teaching this portion of the seminar. Module 3 will address other common sports-related disputes such as carding, team selection, governance and safe sport issues. Module 4 will touch on human rights and discrimination in sport and include a discussion of important cases the instructors have worked (eg Caster Semenya's challenge to World Athletics testosterone rules, the representation of the Canadian Women's Soccer Team, and other athletes discriminated against based on transgenderism or gender). Module 5 will touch on the resolution of sports related disputes within professional sports. By the end of the seminar, students should be comfortable in navigate the procedures for sports-related disputes and assessing the typical substantive issues that require adjudication in sport.

Evaluation: Class Participation (10%), examination (45%), in class mock tribunal hearing for an anti-doping case (45%).

International Environmental Law: Protection of the Global Environment

(4880.03 A) *Course*

Instructor(s): Professor S. Bandopadhyay

Fall: 3 credits; 3 hours; max. enrollment: 65

Prerequisite Courses: None

Preferred Courses: None. However, students interested in studying Climate Change and/or disasters are invited to take Prof. Van Harten and my Climate Change seminar (Winter, 2022-2023) and/or my Fall (2022) seminar, Law in the Time of Catastrophe.

Presentation: Lectures, discussion, guest speakers

Upper Year Research & Writing Requirement: No

Practicum: No

This is survey course designed to introduce students to the rules, principles, and policies/politics of international environmental law (IEL). We will explore the dynamics of the international legal system with a focus on the key actors, interests and ideas. While surveying the larger body of IEL, we will examine select themes and legal regimes (e.g., environmentalism, waste/pollution, trade and development etc.) in closer detail. By the end of the course, students will be familiar with the major issues in international environmental law and legal responses to these issues. They will also learn a range of theoretical perspectives and policy frameworks through lawyers conceptualize and frame international environmental problems and imagine possible solutions.

Much of the teaching is conversational and Q&A based, so students are required to read the assigned materials and come to class prepared to discuss them.

Evaluation: Evaluation: 50% - (during term) take-home essay assignment; 50% - final exam (during exam period).

International Human Rights

(3440.03 A) *Seminar*

Instructor(s): J. Yap; Adjunct Professor

Fall: 3 credits; 2 hours; max. enrollment: 20

Prerequisite Courses: None

Preferred Courses: None

Presentation: Seminar, lecture and discussion

Upper Year Research & Writing Requirement: Yes

Practicum: No

This seminar combines four goals in terms of its subject-matter coverage: an introduction to major institutions and processes of the international human rights law (IHRL) system (including a review of closely related fields of international law such as international criminal law, international humanitarian law, international refugee law, and indigenous peoples' rights); an overview of some core doctrine and debates related to a selection of protected human rights (e.g. those related to life, health, torture, forced labour and slavery, freedom of expression and information); engagement with certain general concepts and debates about individual rights as well as the system as a whole (including criticisms and controversies); and — the focus for the better part of the seminar — the various ways in which international human rights law can be used as a legal advocacy tool within the domestic system.

The IHRL system is vast, and the goal of the course is not to provide a comprehensive doctrinal understanding of the entire field. Rather, the objective is for students to come away with a basic familiarity with the fundamental architecture of the system, the resources with which to navigate it, and knowledge of the ways in which international human rights law can be used to inform and support human rights advocacy under domestic legal systems. In addition, through the requirement of a major paper, each student will gain more focused knowledge of a specialized topic of the student's choice.

Student learning will take place by completion of assigned readings, online posting of brief comments by students, and discussion in class, combined with the preparation of a major research paper. Students will additionally have the option of doing a practical memo or short paper for a civil-society partner for a portion of their grade — subject to availability of partners seeking assistance.

The class meets once a week in a 2-hour time slot. Guests may on occasion be beamed into the class using a classroom internet connection; a couple of classes may be scheduled to be fully remote on Zoom where it is planned to take up the entire time interacting with a guest or guests.

Evaluation: Option A: 80% for a research paper of 8250-8500 words; 20% for participation through discussion and online postings.

Option A: 60% for a research paper of 7000-7150 words; 15% for participation through discussion and online postings; 25% for preparation of a memo or, in collaboration with other students, memos that are of assistance to one or more civil society organizations engaged in legislative reform, litigation, or other advocacy efforts (subject to availability of organizational partners).

International Law & Development: Trade, Investment & Human Rights

(2710.04 M) *Course*

Instructor(s): Professor R. Buchanan

Winter: 4 credits; 4 hours; max. enrollment: 40

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lecture, discussions

Upper Year Research & Writing Requirement: Yes

Practicum: No

International investment, trade and human rights are today understood as key elements of successful development policy. However, both the historical and conceptual foundations of this apparent convergence demand careful investigation. While mainstream economic thinking presumes that both investment and trade is beneficial for poor countries, critics have pointed out the terms of trade and investment treaties are typically weighted in favor of western, developed States. Similarly, while the emerging consensus that adherence to global human rights norms is necessary for the achievement of good development outcomes, the efficacy of the human rights regime as a tool for mitigating the social costs of development appears limited. Poor countries have increasingly limited regulatory tools at their disposal with which to govern the operations of transnational investors within their territory. Conflicts frequently arise between the needs of local communities and international investors over access to land, resources, and water, leading to displacement, loss of livelihoods and other rights violations. The role of the state in regulating these conflicts is often unclear, or in dispute. Utilizing historical, discursive, and case study-based methodologies, this course will provide students with an opportunity to critically examine the social and human rights implications of international investment and trade within contemporary development policy and practice. The course will incorporate a variety of pedagogical approaches including lecture, online and in class discussion, class presentations, documentary film and other interactive media, and interactive exercises. Further details regarding the participation and presentation components of the assessment will be provided in the syllabus. This course will satisfy the upper year writing requirement.

Evaluation: Participation (15%); In-class Presentations (20%); Research paper on a topic related to the course content and developed in consultation with the professor (65%).

International Taxation

(4150.04 M) *Course*

Instructor(s): S. Wilkie; Distinguished Professor of Practice

Winter: 4 credits; 4 hours; max. enrollment: 30

Prerequisite Courses: Taxation Law

Preferred Courses: None

Presentation: Lecture, discussions, problems, case studies,

Upper Year Research & Writing Requirement: No

Practicum: Yes

This course covers one of the most dynamic and fascinating areas of tax law – taxation of cross-border transactions. In fact, the aspect of taxation described as “international taxation” is as much concerned with countries interacting with each other in relation to income earning circumstances of taxpayers as it is about the typical relationships between taxpayers and those countries’ tax regimes and tax authorities. Because Canada has a small and open economy cross-border transactions and related relations are not only important to taxpayers and the government but they are unavoidable. Accordingly, a working awareness of how Canada’s tax system addresses the circumstances of persons from elsewhere who establish income earning connections with Canada and the circumstances of Canadians whose income earning activities extend beyond Canada’s borders is an important addition to a tax practitioner’s resources. More broadly, the connection between “international taxation” and trade and the necessary dependence of taxation generally on a strong familiarity with private law and public law make this course an opportunity for students to develop and enhance their legal knowledge and skills from several perspectives. Knowledge and skills learned from this course will help anyone interested in pursuing a career in law (not necessarily tax law), business or public policy.

This course builds on the knowledge and skills learned from introductory Tax Law and applies them to cross-border transactions (e.g. foreign corporations doing business or investing in Canada; Canadians doing business or investing overseas; and transactions between members of multinational corporate groups, etc.) and other relations of and among persons that may justify the taxing claims made by more than one country at the same time. In that connection, it will also cover issues concerning international tax treaties and international tax avoidance (and evasion) which continue to be topical in contemporary discussions and commentaries on “international taxation” including, notably, by the Organisation for Economic Co-operation and Development, the United Nations, the International Monetary Fund and the World Bank. While not formally a co-requisite or pre-requisite, familiarity with the taxation of corporations will be helpful to students even though students can be successful in this course without this background. The subjects addressed in the course will be infused with attention to ongoing topical issues in international tax, most notably led by the work of the Organisation for Economic Co-operation and Development, and changes being considered for Canadian taxation to enact legislation that implements Canada's commitments to the ongoing proposals to recalibrate the international tax environment.

The Practicum element of this course is satisfied in a number of ways. First, at every stage of the course, subjects will be addressed in terms actual problem solving and practical experience, building on the professional experience of the instructor. Students will be engaged in these discussions; their focus will be on how to assess the reasonable parameters of the tax law, making professional judgments expected to be resilient in a professional setting, and related professional, including ethical, considerations. Second, the course will engage several problem solving / planning exercises to which students will be expected to contribute. Third, there is a significant tax policy element to this course which will entail reflection not only about tax law itself but also in its private and public law contexts. Students will be expected to write a short reflection / analysis suitable for posting as a blog post on Osgoode's tax law blog. In this vein, the examination for this course includes both problem solving questions and, importantly a survey / reflection / policy advice question framed with reference to international developments that are contemporary with the time of the course and the exam. Students will be

expected to answer the question as a problem solving exercise by reflecting on the expanse of international taxation in its contemporary setting and writing a short advisory memorandum to a responsible government official.

A detailed Syllabus and class discussion notes will be provided to guide students' learning. Each segment of the course will address practical problems to anchor the studying of the substantive law and related policies and guidance by tax authorities.

Evaluation: Evaluation will be by way of class participation (5%, entailing a short commentary suitable for posting as a blog post on Osgoode's tax law blog and also ongoing participation in class discussions) and a 48 hour take-home examination (95%) during any continuous 48 hour period during the examination schedule and otherwise according to law school rules and requirements for take-home examinations. Students may, if they wish, also choose to write a research paper of 4,000 words, excluding footnotes and bibliography; students making this choice will still be responsible for a short class presentation and also will write the examination. The grade attributable to the examination (95%) for students who choose to write a research paper will be attributed 50% to the examination and 45% to the research paper unless the examination grade is higher in which case the 95% of the overall grade will be attributed to the examination. Students who choose to write research papers should select topics as soon as possible after the course begins. The topic should be oriented to the application of the Canadian tax system to international transactions, events and circumstances.

International Trade Regulation

(2290.04 A) *Course*

Instructor(s): Professor R. Wai

Fall: 4 credits; 4 hours; max. enrollment: 70

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, discussion

Upper Year Research & Writing Requirement: No

Practicum: No

This introductory course surveys the laws of international trade regulation from a Canadian perspective. The course focuses on the public international law and domestic public law regimes regulating the conduct of international trade to and from Canada, with a particular focus on the multilateral World Trade Organization (WTO) and the General Agreement on Tariffs and Trade (GATT). Necessarily, an additional focus will be on the relation between the multilateral WTO-GATT order, and the increasing number of preferential trade agreements relevant to Canada such as the USMCA (the US-Mexico-Canada Agreement renegotiation of the NAFTA), the Trans-Pacific Partnership (CPTPP), and the Canada-European Union Comprehensive Economic and Trade Agreement (CETA). Particular trade subjects for discussion include: WTO/GATT treaties and institutions; dispute settlement; trade in goods; non-discrimination principles; trade law and non-trade objectives such as environmental protection; subsidies and countervailing duties; anti-dumping measures; trade in services; trade and intellectual property; trade and investment. This fall's course will also discuss the relation of trade to matters of national security, including economic sanctions.

Please note that while no particular background is expected of students in terms of prior legal or other kinds of knowledge (such as economics), the course is heavy in terms of reading of both legal and policy material, some of which is taken from other fields. Indeed, the course has as an express objective providing all students with some introduction to basic policy aspects of international trade law drawn from economic theory, international relations theory, and international legal theory.

Please also note that for this course, the instructor will emphasize synchronous learning and that, aside from for accommodation requirements, there will be no general posting of recordings of scheduled class sessions.

Evaluation: Open-book final examination (100%) Alternative evaluation: the open-book final examination (75%) and mid-term assignment on topic set by instructor (25%).

Joint JD/MBA Seminar

(3820.03 M) *Seminar*

Instructor(s): J. O'Sullivan; Adjunct Professor

Winter: 3 credits; 2 hours; max. enrollment: 25

Prerequisite Courses: 4th year JD/MBA

Preferred Courses: None

Presentation: Seminar discussion. *NOTE: This seminar is mandatory for students in their last year of the Joint JD/MBA program

Upper Year Research & Writing Requirement: Yes

Practicum: No

The principal objective of this special seminar is to integrate the law and business aspects of the Joint JD/MBA Program. To achieve this objective, we will speak with JD and/or MBA graduates who have built remarkable and remarkably diverse careers at the intersection of law and business. Each seminar will offer an opportunity to discuss a particular topic in law or business as well as probe the career journey of a successful business/law leader.

Evaluation: 70% essay and 30% participation.

Jurisprudence

(2720.03 A) *Course*

Instructor(s): Professor E. Kidd White

Fall: 3 credits; 3 hours; max. enrollment: 20

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, discussion

Upper Year Research & Writing Requirement: No

Practicum: No

This is a course in the philosophy of law that approaches its subject matter through the lens of political philosophy. It will involve critical discussion of core issues and classical texts from the 17th century to the present. The organizing topics are: legitimacy, justice, and the nature and moral significance of law. Special emphasis will be placed on the ways in which various philosophical conceptualizations of the human person intersect with justifications for political and legal arrangements, including distributions of rights, goods, and powers. Students will develop competence and facility over several historically influential texts in legal philosophy (from Hobbes and Locke to Rawls, Williams, Waldron and Dworkin). Students will sharpen their legal reasoning, analytical and critical reading skills. Students will fine-tune their abilities to break down legal arguments, and examine their foundations. No prior philosophical training is required.

Evaluation: 70% final examination, 20% participation, 10% two short reaction papers (300-400 words each).

The final examination requires students to answer three, equally-weighted, questions (out of seven). Before the start of the exam period, students will be permitted to submit up to two additional exam answers (800-1200 words per question), which will result in their final examination being marked as four or five equally-weighted questions.

Jurisprudence

(2720.03 P) *Course*

Instructor(s): Professor D. Priel

Winter: 3 credits; 3 hours; max. enrollment: 20

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, discussion

Upper Year Research & Writing Requirement: No

Practicum: No

Courses in jurisprudence typically focus on the question “what is law?” and treat this as a philosophical question to be answered by reflecting on the relationship between law and morality. Typically, this involves reading from books like H.L.A. Hart's *The Concept of Law* or Ronald Dworkin's *Law Empire*.

This course takes a different approach. It seeks to offer a bird's-eye view on what the law is by thinking about the kind of problems it seeks to solve and the way it tries to solve them. The question “what is law?,” if it is to be answered at all, is to be answered by examining what law does and how it does it. This approach thus takes a more interdisciplinary approach to jurisprudence, not treating it as just legal philosophy, but rather draws on philosophy along with other disciplines: economics, political science, psychology, etc. The ultimate aim of this course is to show how awareness of these theoretical issues can be helpful to the understanding (and hopefully solution) of real-world legal problems.

Evaluation: 100% final examination. The examination will be in the form of a take-home exam asking students to apply the issues discussed in the course to a real-world problem that was not considered in the course.

Students may also opt to write an optional paper, worth 40% of their overall final grade (length, topic and schedule to be determined and approved with the instructor). Exams for students electing this 40% paper option will be worth 60% of their overall final grade. This optional paper will not be eligible for the upper year writing requirement.

Labour and Employment Law and Policy Colloquium

(5550.03 M) *Seminar*

Instructor(s): Professor V. De Stefano

Winter: 3 credits; 2 hours; max. enrollment: 20

Prerequisite Courses: One of Labour and Employment Law; Collective Bargaining Law, or Individual Employment Relationship.

Preferred Courses: None

Presentation: Class discussion, student presentations

Upper Year Research & Writing Requirement: Yes

Practicum: No

Artificial Intelligence and management-by-algorithms are reshaping the modern world of work in industrialized and developing countries. This is exemplified by the rise of platform work in the so-called gig-economy but is spreading in every sector and affects both blue-collar and white-collar occupations. Besides the intuitive risks in terms of automation of jobs, this seminar will focus specifically on less-known challenges, including algorithmic discrimination, augmented work surveillance, privacy invasion, increase in non-standard forms of work, and disruption of collective rights. We will look at these challenges from an international and comparative standpoint. We will focus specifically on international labour law and developments concerning the International Labour Organization, and other regional and national developments at the European level to compare them with the Canadian legal landscape.

Evaluation: Research paper (70%), seminar participation (30%).

Labour Arbitration

(5070.03 M) *Seminar*

Instructor(s): T. Ramusovic; Adjunct Professor

Winter: 3 credits; 2 hours; max. enrollment: 20

Prerequisite Courses: Pre- or co-requisite courses: Labour & Employment Law or Collective Bargaining Law. Students with relevant experience in labour relations or human resources may enrol with permission of instructor.

Preferred Courses: Collective Bargaining Law and Labour & Employment Law

Presentation: Remote (Zoom), Seminar discussion, paper proposal presentation by students, possible guest speakers.

Mode of delivery: This seminar will be run remotely on Zoom. A physical room at Osgoode will be assigned for the seminar where students can do the classes if they are at Osgoode, rather than only having the option of joining from home.

Upper Year Research & Writing Requirement: Yes

Practicum: No

This seminar is intended to provide an overview of the labour arbitration process applicable to unionized workplaces. The seminar primarily addresses grievance arbitration although it may also introduce interest arbitration, and mediation and med-arb as alternative dispute resolution mechanisms. The seminar will examine both procedural and substantive issues, including the regulatory framework, arbitral jurisdiction, pre-arbitration and arbitration processes and select issues in arbitration such as collective agreement interpretation, discipline and discharge, discrimination and accommodation, and privacy.

Evaluation: Research paper of 7000-7250 words (70%); posting online of brief comments on readings in advance of class (15%); in-class seminar participation including brief presentation of research paper in progress (15%).

Labour & Employment Law

(2315.04 A) *Course*

Instructor(s): Professor A. Smith

Fall: 4 credits; 4 hours; max. enrollment: 70

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lecture and discussion

Upper Year Research & Writing Requirement: No

Practicum: No

This course provides an introductory overview of labour and employment law in Ontario and beyond. Students will work to build a conceptual framework for understanding the legal regulatory regimes governing the individual contract of employment and collective bargaining. We will delve into the purposes and foundational assumptions of these regimes with a view to the scope and parameters of protection, and the veritable silences and deficiencies. Expect to be exposed to a range of critiques, from reformist to radical, and to gain appreciation for how labour and employment law shapes, and in turn is shaped by, the everyday lives and demands of ordinary working people.

The course is open to all and will provide a gateway into more advanced topics and courses in this and other fields. It is especially well-suited for students wanting to deepen appreciation for social justice.

Evaluation: Discussion post (labour and employment law in the news) and presentation or case comment and presentation (20%), and take-home exam (80%) OR Research paper (60%) and take-home exam (40%).

Land Development & Commercial Real Estate Problems

(5160.03 M) *Seminar*

Instructor(s): M. Gross; Adjunct Professor

Winter: 3 credits; 2 hours; max. enrollment: 20

Prerequisite Courses: Real Estate

Preferred Courses: Tax, Land Use Planning

Presentation: Discussion, problem solving based on fact situation

Upper Year Research & Writing Requirement: Yes

Practicum: No

The seminar deals with a broad range of subject matter within the context of land development and commercial real estate. Its focus is on developing problem-solving techniques to deal with the issues raised by the subject matter. The areas covered by the seminar include planning and land use control issues related to subdivisions and urban developments, commercial real estate including a discussion of various business entities used in real estate transactions such as limited partnerships, joint ventures and co-tenancies; current problems respecting condominiums; a discussion of institutional and secondary financing, consideration of ground leasing techniques; mixed use developments, public-private partnerships and commercial leases, and the negotiation of agreements of purchase and sale.

Evaluation: One term 100% paper at end of term involving problem solving based on class discussions and course materials.

Law of War

(3730.03 A) *Seminar*

Instructor(s): Professor I. Mgbeoji

Fall: 3 credits; 2 hours; max. enrollment: 20

Prerequisite Courses: None

Preferred Courses: None

Presentation: Class discussion

Upper Year Research & Writing Requirement: Yes

Practicum: No

Was NATO's military intervention in Libya legal? What about Afghanistan? Or the imprisonment of America's detainees in Guantánamo Bay, Cuba? Is Russia's military overrun of Ukraine lawful? What is the legal status of killing by drones? What happens to people who commit war crimes? What are the remedies for an illegal war? This seminar examines the international law governing war, including both questions of when war is legal (so-called 'jus ad bellum') and how even legal wars must be conducted (so-called 'jus in bello' or the laws and customs of war) and the relationship between the two types of law. It also examines the various judicial institutions that have jurisdiction over these issues, from the World Court, to the ad hoc tribunals (Yugoslavia, Rwanda, Sierra Leone), to national courts exercising 'universal jurisdiction' (Belgium, Canada), to the new International Criminal Court.

Case studies on the armed conflicts over Kosovo, in Afghanistan, Iraq and Libya, Ukraine, and between Israel and the Palestinians, provide the settings for concrete legal analysis and also for critical evaluation of the role of law in war.

Evaluation: Evaluation is by term paper not exceeding 7000 words-excluding footnotes and bibliography(80%), and student participation and class presentation (20%).

Law & Religion in Legal, Social, and Political Perspective

(3160.03 M) *Seminar*

Instructor(s): Professor R. Akande

Winter: 3 credits; 3 hours; max. enrollment: 20

Prerequisite Courses: None

Preferred Courses: None

Presentation: Discussion, Student Participation and Reflection, Short Lectures.

Upper Year Research & Writing Requirement: Yes

Practicum: No

Students enrolled in this seminar will engage in a close and critical examination of the complex historical and contemporary interactions between law and religion, two social forces whose relationship has shaped – and continues to shape – our modern world. This seminar will call upon students to use the study of the interaction of law and religion as a vehicle for gaining (a) a keener appreciation of the challenges of deep cultural diversity, (b) a deeper and more complex sense of the politics of "secularism" and (c) a richer understanding of the nature of law. Students will examine certain influential theories in the study of religion and learn about the place of religion in the historical foundations of the common law. They will trace issues of religious difference in international and comparative perspective, and examine the structure and limits of constitutional rights through the study of doctrines of religious freedom and the general jurisprudence on minority protection. The seminar will be overtly interdisciplinary, putting questions of history, philosophy, and religious studies alongside legal theory and analysis.

Evaluation: This seminar will be assessed by means of an essay (65%); class presentations; and critical engagement with the material and with each other.

Law & Social Change: Disability, Technology and Law

(2751G.03 M) *Course*

Instructor(s): Professor H. Saberi

Winter: 3 credits; 3 hours; max. enrollment: 5

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lecture; class discussion; student presentation. The seminar will be taught in three-hour classes in a nine-week period for a total of twenty-seven hours beginning the week of January 16, 2023.

Upper Year Research & Writing Requirement: Yes

Practicum: No

What is the role of technology in advancing the rights and welfare of about a billion individuals with disabilities in the world today? Is technological advancement a catalyst for a more inclusive society? How so? Does technology enhance access for people with disabilities, and access to what exactly? Does it ultimately and unconditionally lead to fostering respect for their human dignity? Is dignity relevant here and should we be bound by a timeless and universal understanding of that in assessing the present and future impact of technology on the well-being of people with disabilities? Most importantly, does and should technology change our understanding of (dis)ability? Does technological advancement change the relationship between law and disability? How?

This course is a collective exercise in tackling these and related questions in an introductory fashion. The literature on disability rights and technology is a tripod: ethics of approaching disability (such as questions arising from medical and genetic technology, artificial intelligence etc.); human and civil rights of people with disabilities and their full inclusion in the society (such as questions of standards of access and meaningful participation as citizens); and disability and development (such as questions around the role of technology in reducing socio-economic and power disparities or creating new unanticipated forms of that among individuals with disabilities in the world or between the disabled and able-bodied population). We will become familiar with this tripod in order to open a new window to the evolving relation between disability, technology, and law.

Central to this new path is a fundamental focus on the future of our understanding of disability in light of inevitable and fast-growing technological changes. Could it be the case that law's anxious choice between a medical and social approach to disability will have to come to terms with new and further sources of confusion when the enabling or further disabling impact of technology will ruffle current definitions of (dis)ability? If those definitions are destabilized, so shall the punitive, identity-protecting labels such as 'ablism' that further divides the disabled from the able.

Evaluation: Participation (25%) and research paper (5,000 words for first year and 7,000 words for upper year students) (75%).

Law & Social Change: Documentary Film as/and Visual Legal Advocacy

(2751C.03 M) *Course*

Instructor(s): Professor R. Buchanan

Winter: 3 credits; 2 hours; max. enrollment: 14

Prerequisite Courses: None

Preferred Courses: None

Presentation: Discussion; screenings; student presentations.

Upper Year Research & Writing Requirement: Yes

Practicum: Yes

Images form an increasingly important vehicle of communication in the digital era, and the legal field is not exempt from these developments. This course will provide students with tools for critically engaging with the expanding landscape of visual media in public culture, courtrooms and other legal advocacy settings. Through the close consideration of a diverse selection of documentary films, the course will invite students to assess, analyze and seek to understand the visual and cultural contexts through which the meanings and institutions of law are understood, interpreted and constantly re-negotiated in Canada and in the world. Among other questions, the course will consider how documentary films function as forms of visual legal advocacy, and students will receive instruction in how to produce their own short videos. Students will be educated in a variety of styles and techniques of visual legal advocacy. Overall, the course will consider the role that nonfiction film might play in the quest for a more responsive and inclusive legal order, within Canada as well as internationally.

Students will be guided towards the development of critical and generative attitudes to the role and value of the visual in legal advocacy through the assigned films and readings, reflective writing exercises, focused seminar discussion and the development and presentation of a short legal advocacy video. Most weeks during the semester, students will be expected to view a feature length documentary film as well as complete assigned readings in advance of the seminar. Weekly seminar participation, the video project and class presentation (which will have a reflective component) will make up (40%) of the course grade, while the remaining evaluation (60%) will be based on a student's final research essay, on a topic to be determined in consultation with the Professor. This course will satisfy both Osgoode's Practicum and the Upper Year writing requirements.

Evaluation: Final research essay (7,000-7,250 words): 60%; Class Participation: 10%; Class Presentations (video): 30% (further details to be provided in the course syllabus).

Law & Social Change: Policing

(2750B.03 M) *Course*

Instructor(s): P. Scrutton & R. Flumerfelt; Adjunct Professors

Winter: 3 credits; 2 hours; max. enrollment: 20

Prerequisite Courses: None

Preferred Courses: Criminal Procedure

Presentation: Seminar (with a lecture component).

Upper Year Research & Writing Requirement: Yes

Practicum: No

This course will examine the legal framework governing police powers and duties; police use of force; the legal treatment of excessive force and the abuse of police power; the litigation of these issues in the criminal, civil, and workplace contexts; and police oversight. The course will examine issues concerning police conduct and misconduct in the context of questions about the relationship(s) between law, law enforcement, and social change. We will use recent policing related Inquiries/Reports to critically examine contemporary relationships between the police and the community, police and politics, police and lawyers/ legislation/ and the wider legal process. Finally, the course will focus on a number of legal strategies that have been used more or less successfully to change or reform police-community relations and police accountability.

Evaluation: 80% for a 7,000 word research paper - evaluation divided between a detailed outline (10%), annotated preliminary bibliography (10%), and the final submitted research paper (60%). Word count excludes foot/end notes and bibliography. 20% for attendance and participation (10% for attendance and 10% for a brief class presentation).

Law & Social Change: The Rise of Environmental, Social & Governance Expectations in Business
(2751E.03 A) *Course*

Instructor(s): N. Campbell & W. Gee; Adjunct Professors

Fall: 3 credits; 2 hours; max. enrollment: 20

Prerequisite Courses: none

Preferred Courses: none

Presentation: Discussion, participation

Upper Year Research & Writing Requirement: Yes

Practicum: No

Society faces complex global challenges—climate change and environmental degradation, social and financial inequality, digital and data security concerns. More than ever before, business is being called upon by multiple stakeholders to be part of the solution to these challenges. The rise of stakeholder capitalism including heightened ESG (Environmental, Social and Governance) expectations is one of the most profound changes for business and its legal construct that has occurred in decades. Whether business strategy has an opportunity to contribute meaningfully to societal solutions depends in large part on the legal, policy and regulatory framework that is constructed.

In this course, we will examine the evolving legal construct of stakeholder capitalism and develop an understanding of the components of ESG: the E (Environmental); the S (Social); and the G (Governance). We will look in turn at the major legal issues and opportunities that come from these potentially profound changes to business including:

- measurement, disclosure and transparency of corporations,
- the advent of ESG products,
- legal and reputational risk management by major brands,
- burgeoning litigation claims,
- the role of and levers of policy makers, NGOs and regulators both at home and globally, and
- the expectations of multiple stakeholders including employees, consumers, shareholders and the community including Indigenous communities.

To do so, we will invite business and practitioner speakers to supplement the readings and legal teaching with the practical insights of those “on the ground” in this fast-developing space.

There is no doubt that the rise of ESG is changing the needed toolkit of lawyers across multiple disciplines and creating new legal fields and innovative areas of expertise. Combining legal theory with exposure to practical application, the course will assist students to develop the necessary tools to advise on legal issues involving ESG and to prepare for the new career opportunities that are arising.

Evaluation: Research Paper (70%) of 7000-7250 words; in-class activities – e.g. leading discussions, paper presentations, general participation (30%).

Lawyer as Negotiator

(3960.04 A) *Seminar*

Instructor(s): R. Thompson; Adjunct Professor

Fall: 4 credits; 3 hours; max. enrollment: 80

Prerequisite Courses: none

Preferred Courses: none

Presentation: Lectures, discussion, and negotiation simulations emphasizing participation and learning in small groups with experienced negotiators serving as coaches and faculty.

Upper Year Research & Writing Requirement: No

Practicum: Yes

Law schools have traditionally prepared lawyers for litigation and the courts, although in practice lawyers spend much of their time resolving disputes through forms of dispute resolution, including negotiation and mediation. Lawyer as Negotiation is designed to familiarize students with representative negotiation theory and practice, and specifically how theory informs the development of bargaining strategy in a legal setting. Students will attend weekly lectures, conduct negotiation simulations, and participate in small group discussions and reflections which will introduce and critique the principles of representative negotiation. Students will be expected to prepare detailed negotiation plans for their weekly negotiations as well as a final negotiation held at the end of the semester. Students will be coached and critiqued by dispute resolution practitioners throughout the year and will be encouraged to reflect on and discuss their weekly negotiations in small working groups of either 14 or 16 students.

The first half of the course will introduce students to distributive and integrative bargaining techniques as well as the importance of developing a negotiation strategy and a detailed plan for each negotiation. The second half of the course will focus on the importance of power, gender, culture, ethics, and emotions, among other issues, in representative negotiations.

Evaluation: Students will be graded on a credit/no credit basis. Active participation, weekly exercises, and full preparation are regularly required in order to receive a credit for this course.

Law, Gender, Equality

(3039.03 M) *Seminar*

Instructor(s): Professor J. Nedelsky

Winter: 3 credits; 2 hours; max. enrollment: 7

Prerequisite Courses: None

Preferred Courses: None

Presentation: Discussion, presentation of papers in progress and students' oral engagement with their short written commentaries. The seminar will be taught over 9 classes in an eleven-week period, beginning the week of January 16, 2023. Each session will be 3 hours.

Upper Year Research & Writing Requirement: Yes

Practicum: Yes

This course explores the importance of gender as a category that structures identity, opportunity, and hierarchy. Gender intersects with other categories of hierarchy such as race, class, religion, citizenship status, ethnicity, sexual preference and identity, and able-bodiedness. The course will explore both theories of how intersectionality works, and the role it plays in the particular spheres of law we will focus on. The primary focus of this course is the complex role that law plays in constructing gender (understood in intersectional terms) and in both maintaining and attempting to overcome inequality. The first overarching topic is violence: Sexual Assault on Trial; Law, Gender and Violence: Theoretical and Historical Perspectives; Structural Violence and Indigenous Women. Another very basic way that gender organizes people lives and opportunities is the way gender structures who provides the basic care that all human beings rely on, and how paid work is organized. Thus, the second broad topic is how law intersects with issues of work and care: gender identity, labour law, international migration, tax law, and the global economy. We will look at issues of : Masculinity, Care, and the Legal Structuring of Gender Relations; The Intersecting Structure of Work and Care; Care, Work and "Domestic Work"; Restructuring Work and Care; Law and Gender in Global Context. The readings will provide a range of approaches from feminist theory, to legal history, to empirical studies of lawyers and courts, to doctrinal analysis, to proposals for fundamental societal transformation.

Evaluation: The primary mode of evaluation is a research paper (worth 75% of the final grade). For first year students, the paper must be at least 5,000 words long (exclusive of notes, bibliography and appendices); for upper year students, the paper must be at least 7,000 words long (exclusive of notes, bibliography and appendices) to meet the upper year writing requirement. Students will determine their own paper topics in consultation with the instructor. In addition, over the course of the term, students will be required to complete series of short assignments worth 25% of the final mark. This will include short commentaries on course readings, responses to fellow students' commentaries, and a paper proposal and presentation.

Law, Society & State: Cybercrime

(3520C.03 A) *Seminar*

Instructor(s): M. Fawcett; Adjunct Professor

Fall: 3 credits; 2 hours; max. enrollment: 20

Prerequisite Courses: None

Preferred Courses: None

Presentation: Seminar-based lectures and classroom discussion

Upper Year Research & Writing Requirement: Yes

Practicum: No

Cybercrime is on the rise. In fact, today, it is everywhere. It dominates the news. Ransomware attacks. Data breaches. Online sexual violence offences. Digital hate speech. Even our social media is now flooded with conduct that is arguably criminal. Consider the mocking *Johnny Depp/Amber Heard* TikTok videos, for example.

The law is playing catch up in this area, as judges, practitioners, and policymakers struggle to come to grips with how to best deal with the problem. As a result, some of the most challenging and interesting developments in our legal system now arise in the context of crimes committed *via* the Internet and computers.

This seminar will explore the legal and policy challenges presented by our online digital world. No prior knowledge of the subject matter is required. We will start with the basics and then move toward an advanced study of cyber-related law and procedure, focusing on how it *ought* to apply in the digital world. We'll ask: "What is cybercrime?" What types of conduct ought to be criminalized? We'll explore some of the key variants of offences that come up time and again, such as hacking and phishing, ransomware, and data theft. We'll do a deep dive on cryptocurrency. We'll look at the jurisdictional challenges created by crimes that run across national borders. We'll look at the ways in which cybercrime differs from traditional crimes and the challenges it poses for law enforcement. And perhaps most importantly, we will devote a significant amount of time to exploring how the criminal law and policy concepts that you learned about in first year might be adapted to apply in the cyber context. Examples include: considering our expectations of privacy in the digital age; the application of traditional search and seizure concepts to online police work such as taking over Gmail accounts or acquiring a target's Facebook messages; the right against self-incrimination and right to counsel when it comes to compelling passwords or forced biometric scans; regulating online speech; prohibiting ransom payments; allowing officers to pose online as sex trafficking victims to capture would-be online predators; monitoring and criminalizing the online distribution of intimate images; etc. In short: We'll have a broad, discussion-based seminar in which we chat about the unique problems posed by this emerging area of the law and how society might choose to deal with them.

Evaluation: 1. Research paper: 70%. 7000 words excluding notes and bibliography. Students are free to pick a topic of their choosing so long as it relates to the course material. The instructor is available for consultation on the paper. A detailed grading schematic for the paper will be provided in class.

2. Oral presentation: 20%. Students will present their paper and engage in a short, collegial discussion with the instructor and class about the issues generated by the topic. Students will be evaluated based upon the clarity of the presentation and the oral advocacy they offer in support of their thesis. Again, a more detailed grading schematic will be discussed in class.

3. Class participation and attendance: 10%. Students who attend class as scheduled will receive full marks.

Law, Society & State: Derivatives Law & Crypto Contracts

(3520D.03 A) *Seminar*

Instructor(s): K. Fine: Adjunct Professor

Fall: 3 credits; 2 hours; max. enrollment: 20

Prerequisite Courses: none

Preferred Courses: Securities Law

Presentation: Lectures, discussion

Upper Year Research & Writing Requirement: Yes

Practicum: No

Derivatives products have exploded in the last 30 years from being used for important risk hedging in the institutional sector to large speculative trading. We are now seeing a similar explosion of activity for retail investors particularly in the crypto trading area.

This is a two hour course that provides a history of the development of derivatives, and overview and explanation of derivatives and derivatives regulation in Canada and internationally, including crypto assets and the regulation of crypto trading, from the perspective of a regulator. We will review the Ontario Securities Act, regulations and policies, as it relates to derivatives and also look at futures oversight under the Commodity Futures Act and have an in-depth discussion of the post financial meltdown derivatives regulatory reform. We will also provide an introduction to documentation of OTC derivatives.

We will then examine blockchain technology and how it is used in crypto contracts and currencies, Defi, NFT's, stablecoins, and staking. We will review the developing oversight regime for these products and participants in Canada and internationally. We will discuss the gaps in regulation in this area and look at the Quadriga example to assess the risks involved in trading in these markets and the role of regulation to prevent further investor losses.

In a fast developing new area of the law this will provide students an up to date discussion that will be adjusted through the course to accommodate new developments, particularly as it relates to the oversight of the crypto markets. We will also ask questions regarding these new volatile markets like: Is there anything underlying these assets? Is this the present day version of tulip mania? Will crypto currencies be around for decades or will they be short term speculative investments that benefit some to the detriment of many? Or are they the future that will replace sovereign currencies and provide cheaper sources of payment that will remove the costs associated with financial intermediation from Banks? Who should invest in these products? Who shouldn't?

The goal is to have students leave the course with a solid grounding in derivatives, crypto and derivatives law. We will use a multi media approach using a variety of related printed and online materials. There will also be expert guest lecturers for some of these topics.

Evaluation: 60% -research paper (7000 - 7250 words, including footnotes) on a topic of your choice (approved in advance); 10% -paper outline; 15% -class participation; 25% -article presentation with a written submitted component.

Legal Drafting

(2140.03 A) *Course*

Instructor(s): J. Shin Doi; Adjunct Professor

Fall: 3 credits; 3 hours; max. enrollment: 50

Prerequisite Courses: Contracts

Preferred Courses: None

Presentation: Lectures, in-class discussions and exercises

Upper Year Research & Writing Requirement: No

Practicum: Yes

This course focuses on the language, structure and organization of documents that create and support legal relationships such as formal contracts, letter agreements, licenses, and legal opinions. Students analyze, review, prepare, present and discuss legal documents in the areas of corporate/commercial law and other substantive law areas. The work includes commenting on the drafting of legal documents, revising legal documents, and selecting and adapting precedents. The overall emphasis is on modern legal drafting conventions and techniques.

Evaluation: Class Participation: 40% and three take home assignments: each worth 20%.

Legal Drafting

(2140.03 M) *Course*

Instructor(s): P. Malysheuski; Adjunct Professor

Winter: 3 credits; 3 hours; max. enrollment: 50

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, in-class discussions and exercises.

Upper Year Research & Writing Requirement: No

Practicum: Yes

This course is designed to help students develop practical skills in drafting clear and effective legal documents. The focus will be on the form and substance of formal agreements supporting corporate and commercial transactions as well as certain dispute resolution scenarios. Students will work with document precedents, review, draft, revise, and discuss various legal documents. The work will include class discussions and take home assignments.

Evaluation: Class Participation: 25%; three take home assignments: each 25%.

Legal Ethics

(2059.03 A) *Course*

Instructor(s): B. Bethell; Adjunct Professor

Fall: 3 credits; 3 hours; max. enrollment: 20

Prerequisite Courses: none

Preferred Courses: none

Presentation: Remote (Zoom), Synchronous online, lecture-based with opportunities for discussion, review, and problem-solving.

Mode of Delivery: This seminar will be run remotely on Zoom. A physical room at Osgoode will be assigned for the course where students can do the classes if they are at Osgoode, rather than only having the option of joining from home.

Upper Year Research & Writing Requirement: No

Practicum: No

Legal ethics may be one of the only subjects in law school that every lawyer will encounter in practice. This course invites students to deeply engage, both conceptually and practically, with foundational principles of legal ethics, as well as a lawyer's duties and responsibilities to clients, the profession, and the wider community. We will discuss how we solve complicated problems that present themselves frequently (and often unexpectedly) in countless ways over the course of our professional lives. We will explore current practical dilemmas in different practice areas, along with international comparisons. We will also explore the influences of the adversary system on the pursuit of justice

Evaluation: Participation and engagement (10%); case comment and short class presentation (20%), final exam (70%).

Legal Ethics

(2059.03 M) *Course*

Instructor(s): Professor T. Farrow

Winter: 3 credits; 3 hours; max. enrollment: 20

Prerequisite Courses: None

Preferred Courses: None

Presentation: Seminar discussion and group presentations

Upper Year Research & Writing Requirement: Yes

Practicum: No

This course introduces students to ethics and professional responsibility in the legal profession. A core question will involve how we – individually and collectively – should act. Our focus will be both conceptual and practical. Students will be expected to participate extensively. The course has three main learning objectives.

Knowledge. The first objective is two-fold: to look at what the landscape of the legal profession is, can and should be; and then to situate lawyers and their conduct in that landscape. We will look at ethical codes that govern lawyers, their relationships with clients and the profession. We will also look more broadly at various aspects of lawyering and the profession, including self-regulation, the nature of the adversary system, demographics, ethical tensions between zealous representation and a commitment to the public interest, various practice contexts, access to justice and innovation.

Skills. The second objective of the course is to help students to think about what ethical issues arise in practice, how they arise and how they can – and in some cases must – be dealt with. To help develop these skills and identify available tools and resources, in addition to the assigned materials, we will regularly use hypothetical problems and exercises to spark thinking and active in-class discussion.

Reflection. The third objective – primarily through participation, a group presentation and a final paper – is to encourage students to identify and reflect on issues and topics of specific interest to them.

Evaluation: The basic evaluation components for this course, which will be detailed and discussed further in class, include the following:

1. Participation - 20% of the overall course grade.
2. Presentation - 15% of the overall course grade.
3. Independent research paper (7000-7500 words, excluding footnotes, bibliography, abstract, outline, etc.) - 65% of the overall course grade.

Legal Values: Access to Justice

(3591Z.03 M) *Seminar*

Instructor(s): Professor S. Chiodo

Winter: 3 credits; 3 hours; max. enrollment: 5

Prerequisite Courses: None

Preferred Courses: None

Presentation: A combination of lectures, facilitated class discussions, student-led presentations, and potentially guest speakers will be used. Students will be expected to attend all classes, to participate actively in class, and to complete required readings and assignments. This seminar will be taught in three-hour classes in a nine-week period for a total of 27 hours beginning the week of January 16, 2023.

Upper Year Research & Writing Requirement: Yes

Practicum: Yes

Faced with the reality of an increasingly inaccessible justice system that is failing to meet the needs of the public, access to justice has been described as a crisis by the former Chief Justice of Canada. Given the significance of access to justice as a challenge facing Canadians, it is important to examine the causes as well as the consequences of a failure to provide access to justice from sociological, philosophical, democratic, legal, and practical perspectives. By studying the problem, it is hoped that we can begin critically to explore some long-term and meaningful solutions. A recurring consideration will be the role of the lawyer, both individually and collectively, as part of the problem as well as part of the solution. Students will be encouraged to explore a critical approach in order better to understand the scope of the problem, the goals and objectives associated with improving access to justice, and the feasibility of potential solutions. Topics, to be finalized, will include an introduction to current research and thinking on access to justice from a variety of different perspectives.

Evaluation: Participation and reflection (25%), likely including: attendance; presentation(s); and critical reflection(s). Research paper (75%): 5,000 words for first year students; 7,000 words (excluding footnotes and bibliography) for upper year students, to be discussed and finalized further in class

Legal Values: Advanced Criminal Law (Race & Racism)

(3592Q.03 A) *Seminar*

Instructor(s): G. Cudjoe and F. Mirza; Adjunct Professors

Fall: 3 credits; 2 hours; max. enrollment: 20

Prerequisite Courses: None

Preferred Courses: Criminal procedure, evidence or other advanced criminal law course

Presentation: Seminar, discussion

Upper Year Research & Writing Requirement: Yes

Practicum: No

Taught by two experienced members of the criminal bar, this seminar explores how racial inequality and in particular anti-black racism are addressed in Canadian criminal law through a critical review of landmark cases and selected secondary scholarly literature.

Students will consider how advocates have worked to bring claims of racism to the courts. The class will assess the extent to which courts have addressed or failed to consider claims of racism, whether systemic or individual, in their interpretation of various areas of criminal law. How has recognition of this particular piece of “social context” been integrated into judicial decision-making and criminal procedure?

Students will study key parts of the criminal trial process from start to finish including bail, jury selection, Charter and common law motions, and sentencing.

By the end of the course students will be:

- i) familiar with a set of contemporary cases in which questions about of race and racism intersect with issues in criminal procedure, sections 7, 8, 9, 24(2) of the Charter, evidence and sentencing.
- ii) capable of critically analyzing the responses of the Canadian criminal justice system to claims of racism, whether systemic racism or particular incidents of racially targeted state action.
- iii) able to develop effective approaches to anti racist advocacy suitable for use in Canadian criminal court.

Class discussions and assignments will work to bring together theory and practice in assessing and developing anti racist advocacy in the criminal law context.

Specific topics covered include:

- Identifying race and racism as part of context, and how this does/should impact legal interpretation;
- Identifying the relevance of race/racism for the parties involved; and
- Identifying the opportune time to raise the issue

Guest speakers with expertise in a relevant area will periodically visit the class.

Evaluation: Class Participation: 20%; Case comment 20%; Research Paper 60%, 7,000 words (excluding footnotes and bibliography).

Legal Values: Commercializing IP

(3591M.03 A) *Seminar*

Instructor(s): S. Lam & A. de Fazekas; Adjunct Professors

Fall: 3 credits; 2 hours; max. enrollment: 10

Prerequisite Courses: None

Preferred Courses: None

Presentation: The course will include a combination of presentation by the instructors on seminar topics and guided discussion on case study scenarios associated with the seminar topics.

Upper Year Research & Writing Requirement: Yes

Practicum: Yes

Navigating legal issues is crucial to the commercialization of new technologies. This course will examine the application of substantive intellectual property (IP) law in the context of IP management for in-house lawyers or IP managers within IP-rich organizations. Through case studies and facilitated discussion, students will apply principles central to IP management, including creation, development, protection, and exploitation of intellectual property rights as a business asset. Guest speakers will supplement the course's examination of key technology specific issues relating to high technology and sciences.

In particular, this course will examine the process of creating, capturing, protecting, leveraging and transferring technology and ideas, including internal strategies designed to create a culture of innovation; deciding whether, what, where, and how to obtain IP registrations and the related economics; the development of a commercialization strategy (such as selecting the target market and application for the idea) and business model; drafting and negotiating related agreements; offensive and defensive IP strategies; assessing competitive IP; negotiating and interpreting IP sensitive contracts; and transactional IP processes.

While students with background in substantive areas are welcome, no prior experience is required. A keen enthusiasm to learn about IP as an asset and participation in the course is encouraged by the instructors.

Evaluation: 10% seminar participation; 70% memorandum with detailed multi-faceted analysis for major case study (subject to instructors' approval); and 20% presentation, including a group reflection upon the conclusion of the presentation. The reflective discussion can include a short discussion on one or two aspects that the respective students grappled with when applying substantive IP law to practical business objectives.

Legal Values: Commercializing IP

(3591M.03 P) *Seminar*

Instructor(s): V. Grant & A. de Fazekas; Adjunct Professors

Winter: 3 credits; 2 hours; max. enrollment: 10

Prerequisite Courses: None

Preferred Courses: None

Presentation: Seminar, discussion.

Upper Year Research & Writing Requirement: Yes

Practicum: Yes

Legal issues are crucial to the commercialization of new technologies. This course will focus on issues related to the creation, development, protection and exploitation of intellectual property rights as a business asset for both high-growth start-ups and established businesses. We will examine the entire process of creating, capturing, protecting, leveraging and transferring technology and ideas, including internal strategies designed to create a culture of innovation; deciding whether, what, where, and how to obtain IP registrations and the related economics; the development of a commercialization strategy (such as selecting the target market and application for the idea) and business model; drafting and negotiation of related agreements; offensive and defensive IP strategies; assessing competitive IP; negotiating and interpreting IP sensitive contracts ; transactional IP processes, with discussion on emerging markets; and key technology specific legal issues relating to software, digital communications and data processing, mobile devices and social media, financial services and life sciences. The course will also address the financing options available to the high-growth start-up, including crowd-sourcing and other modern financing techniques, as well as a general overview of pertinent tax and structural topics. Media coverage of current developments and case studies will be introduced to enrich class discussions. Guest speakers will include leading experts in the field. While students with some background in substantive areas are welcome, no prior experience in these areas is required. Of course it goes without saying that a keen enthusiasm to learn about IP issues and participation in the course are encouraged by the instructors. All IP Osgoode Innovation Clinic students are required to enrol in this course.

Evaluation: (a) 15% class participation and short oral presentation; (b) 10% 500 word blog on a topic of your choice that may be published; and (c) 75% 7,000 word research paper on a topic subject to the instructor's approval. Students are encouraged to submit their research paper to Canada's Writing Challenge, as well as their blogs to the Gowlings WLG Best Blog in IP prize (please see IP Osgoode site for details).

Legal Values: Copyright Policy in the Making

(3591X.03 M) *Seminar*

Instructor(s): Professor C. Craig

Winter: 3 credits; 2 hours; max. enrollment: 10

Prerequisite Courses: None

Preferred Courses: None

Presentation: Seminar

Upper Year Research & Writing Requirement: Yes

Practicum: No

The development of digital and network technologies has posed both opportunities and challenges for creators, publishers, and users of intellectual works. For the most part, copyright law has evolved to address these challenges by extending to embrace new media. But how well do traditional copyright principles and doctrine, developed in the heyday of the printing press, apply in the digital era when works can be created, shared, and transformed more easily than ever before? What considerations should be brought to bear by policymakers as they respond to urgent calls for copyright to "catch up."

The objective of this seminar is to examine some of the key copyright policy questions currently before Canada's Federal Government Departments of Innovation, Science and Economic Development (ISED) and Canadian Heritage. The seminar exposes students to the complicated process of crafting public policy and proposing law reform, and is uniquely designed to build on (and perhaps even feed into) ongoing public consultations on amendments to Canada's Copyright Act. Students will tackle issues such as Technological Neutrality and the Copyright Balance; Authorship and Artificial Intelligence; Reproduction for Informational Analysis (Text & Data Mining); Digital Locks and the Right of Repair; Intermediary Liability and Website-blocking; the Regulation of Digital News Intermediaries; Non-Fungible-Tokens and Digital Art; User-Generated Content and Fair Dealing; Controlled Digital Lending and e-Books; Crown Copyright; and Copyright Term Extension. We will critically examine recent policy reports, bills, statutory amendments, treaties, and case law, as well as emerging industry and consumer practices, stakeholder demands, and the political dynamics of the copyright lawmaking scene. Copyright policy implicates, in addition to the letter and spirit of Canada's Copyright Act, issues of constitutional law and fundamental rights, international and comparative law, and socio-legal theory.

Evaluation: Students will convene and participate in weekly 2-hour seminars over course of the semester, and will prepare a policy presentation and a final research paper on a topic of their choosing. For years in which the Federal Government Departments hold a Copyright Policy Moot, students will have the option of working in teams to produce a mock Memorandum to Cabinet (using an official policy proposal template) for presentation at the Grand Oral in Ottawa. In years without a Copyright Policy Moot, students still have the option of preparing their individual papers in the form of a Memorandum to Cabinet. (Note: There is currently no Copyright Policy Moot scheduled for 2023.)

Research paper or Memorandum to Cabinet (7000-8000 words: 75%); Oral presentation, Participation and Engagement (25%).

Legal Values: Law in the Time of Catastrophe

(3592Z.03 A) *Seminar*

Instructor(s): Professor S. Bandopadhyay

Fall: 3 credits; 2 hours; max. enrollment: 20

Prerequisite Courses: The seminar does not require any previous expertise in the subject-matter. However, students must be prepared to engage with natural/social sciences and humanities research.

Preferred Courses: None

Presentation: Seminar-style discussions; close-reading of texts

Upper Year Research & Writing Requirement: Yes

Practicum: No

COVID-19 is the first truly global pandemic of the 21st century. Governments, climate scientists, epidemiologists, and public health researchers have warned that the viral outbreak will affect the world in myriad unforeseen ways and similar outbreaks are likely to recur. All the while that we are overwhelmed by this historical malady, we must not forget the increasing frequency and intensity with which Canada and countries around the world have been struck by forest fires, earthquakes, tsunamis, food scarcity, and historic refugee flows out of conflict and disaster-ridden landscapes. These events are likely to worsen in the coming decades.

Climate change and disasters as umbrella categories are fundamentally problems of governance. But environmental law courses traditionally struggle to make room for them. This course aims to introduce upper year law students to the relationship between law and a range of future-facing global environmental crises that are often overlooked in law school curricula. The readings are designed to: (i) bring law students up to date on social science and humanities research surrounding disasters; and (ii) critically examine a variety of international legal regimes that currently attend to specific kinds of disasters such as pandemics and food scarcity.

As possible, we will pause to examine how these issues are being addressed within Canada, both in terms of the Canadian constitutional framework as well as the concerns of indigenous communities. Like any survey, this course is designed to introduce students to a wide swathe of knowledge about a new subject. As such, there are limits to how deeply we can explore the subject-matter for each week. However, students are encouraged to choose research projects that will allow them to study any of the areas explored in the course, or other related areas, in greater depth.

The seminar will prepare students to serve as law and policy experts on significant national and international environmental concerns that are going to be in high demand in the years to come. By the end of the course, students will be able to:

- understand the socio-scientific, political, and historical context of climate change and other 'catastrophes' broadly stated;
- apply these insights and techniques to evaluate the quality and impact of international (and domestic) legal regimes;
- critically analyze the content of official statements, news reports, and popular narratives about disasters and emergency regulation

Sample list of topics (subject to change)

- Climate, climate change, and disasters (as global, legal and non-legal contexts)
- Famine and food security
- Pandemics and global public health
- Armed conflict and environmental Degradation
- Small islands and sea level rise
- Climate refugees and internally displaced persons

Evaluation: The primary mode of evaluation is a research paper (proposal + final written submission) worth 65% of the final grade. Students will determine their own paper topics in consultation with the instructor.

Co-leading readings (10%)

Paper proposal (1000 words max., excluding notes and bibliography) (20%)

Final written submission (45%): 7000-7500 words excluding notes, bibliography

The remaining 25% will be based on class participation. Attendance, unless specifically excused, is mandatory. However, the participation grade is not an 'attendance mark.' You will be marked based on the quality of your interventions in class and the degree to which your questions and comments are informed by the readings and your own thoughtful reflection.

Legal Values: Law & Literature

(3590V.03 M) *Seminar*

Instructor(s): Professor K. Sutherland

Winter: 3 credits; 2 hours; max. enrollment: 20

Prerequisite Courses: None

Preferred Courses: None

Presentation: Discussion and student presentations.

Upper Year Research & Writing Requirement: Yes

Practicum: No

The field of law and literature is often divided into two strands: “law in literature” and “law as literature.” The “law in literature” strand explores representations of law in poems, short stories, novels, and other literary texts. The “law as literature” strand analyses legal texts through the lens of literary theory, examining the relationship between literary criticism and legal criticism, and between literary theory and legal theory. This seminar will delve into both strands in considering the broad question of how works of literature and literary theory might enhance our understanding of law. Topics of discussion may include: representations of law and legal institutions in fiction, the role of storytelling in law, rhetoric and legal argument, theories of interpretation, and literature and legal change. Readings will be comprised of literary and legal texts as well as scholarly works on law and literature.

Evaluation: 1) A paper worth 75% of the final mark. Students will determine their own paper topics in consultation with the instructor.

2) A series of assignments worth 25% of the final mark. This will include short commentaries on three of the readings, a paper proposal, and an in-class presentation.

Legal Values: Prison Law, Policy & Reform

(3592S.03 A) *Seminar*

Instructor(s): S. Martinez; Adjunct Professor

Fall: 3 credits; 2 hours; max. enrollment: 20

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures; discussion; guest speakers; research and writing

Upper Year Research & Writing Requirement: Yes

Practicum: No

This 3-credit seminar will utilize a multisectoral approach to encourage critical thinking with a view of challenging preconceived notions about what prison is and why it exists. It is designed to provide students with not only a basis to understand the theories underlying the carceral state, but also the practical skills necessary to navigate prison law and advocate on behalf of those on the inside.

Students will hear from and engage in discussion with prisoners, legal practitioners, prison officials, and academics with expertise in (de)carceration. Readings, videos, and audio recordings will also be used to learn about the history and ideology behind prisons and punishment in Canada.

This seminar will examine the legislation that empowers governments to create and maintain prison systems (i.e. the *Corrections and Conditional Release Act* and the *Correctional Services Transformation Act*), as well as the regulations, directives and policies which guide the day-to-day operations. It will also review jurisprudence from all levels of court on issues such as:

- solitary confinement;
- prisoners' right to vote;
- *habeas corpus* remedies;
- tort actions and civil litigation against correctional officials;
- international prisoner transfers;
- conditional release;
- prison abolition; and
- labour (union) organizing among prisoner populations.

Independent audits, coroner's inquests, and other inquiries into jails and prisons will also feature prominently.

Evaluation: Students will be evaluated on the basis of attendance (10%), participation (30%), and one of the follow options (60%):

(i) a 5,000 – 7,000-word (max) research paper on a topic chosen by the student (the topic can be chosen from a list, or it can be submitted by the student for approval); or

(ii) research and supervised advocacy (presentations to public officials) on one of two forthcoming test cases relating to the rights of prisoners and their families. It is anticipated that one of the test cases will focus on the National Drug Strategy (federal), while the other will focus on the rights of children to have contact visits with their incarcerated parents (provincial).

Please note that there will be limited spaces for option (ii). Names will be drawn at random if interest exceeds availability.

Legal Values: Property, the Environment, and Equality

(3593E.03 M) *Seminar*

Instructor(s): Professor J. Nedelsky

Winter: 3 credits; 2 hours; max. enrollment: 20

Prerequisite Courses: None

Preferred Courses: None

Presentation: Seminar, discussion

Upper Year Research & Writing Requirement: Yes

Practicum: Yes

Property is at the heart of economic institutions, beliefs about freedom and security, and people's understanding of their relationship to the Earth. The focus of this course is (1) understanding the role of property law in harm to the environment and in human relations of inequality and (2) exploring alternatives to the norms and legal forms of property. To do this, we will integrate analysis of political theory, legal theory, legal history, case law, environmental policy, and issues such as housing and homelessness. This course will explore the connections between property law and beliefs basic to the economic and political systems of common law countries. For example, we will look at how property law expresses and maintains assumptions about human superiority to other life forms, and the links between those beliefs and settler colonialism. We will (briefly) look at the legal history of property to understand evolving structures of power and inequality, and the role of property law in that evolution. Legal history provides a perspective that allows us to see that beliefs and practices dominant today have not existed from "time immemorial." This then sets the stage for examining viable alternatives to existing property structures. In exploring those alternatives, we will look to Indigenous law, comparative law, and the potential for existing legal concepts like "trust" to be re-purposed. We will look at issues of human inequality and the ways they are interwoven with environmental harm. Hierarchies among humans and between humans and the Earth (with humans at the top of a pyramid of life forms) are interconnected through property law. Because property is so embedded in institutions and norms, transformation will require a deep rethinking of core beliefs. We will look at some of the resources for re-envisioning property and the values associated with it. In addition to Indigenous teachings (including learning from the land), these include: the invocation of spiritual traditions, such as Buddhism and Christianity, to promote care for the earth; theories of the role of competition vs cooperation in evolution and contemporary "human nature;" the importance of nature for human health. Specific topics will include: property and settler colonialism; animals as legal beings; learning to care for the earth; the history of exclusion from the land; the importance of "place" in assessing loss of property; the idea of all land held in trust for the earth community, present and future; the power and threat of the myth of absolute rights of property; property, poverty, and homelessness.

Evaluation: Major research paper, 7,000 words (70%). For the research paper, students can choose topics from a wide range of property related issues. Students must meet with the instructor to discuss topics by the end of week 5. Outline and preliminary bibliography are due by the end of week 7. Students will present their work to the seminar. (5%) Students will post a 300-500 word "comment" on the assigned readings 3 times during the term. (15%). Students will also post a 200-300 word "response" to a fellow student's "comment" 3 times during the term. The responses will be part of Class Participation (10%).

Legal Values: Theoretical Foundations of Contract Law

(3592X.03 A) *Seminar*

Instructor(s): Professor J. Nadler

Fall: 3 credits; 2 hours; max. enrollment: 20

Prerequisite Courses: None

Preferred Courses: None

Presentation: Brief introductory lectures and discussion

Upper Year Research & Writing Requirement: Yes

Practicum: No

This seminar is intended to revisit the basic principles of your first-year contracts class, but this time from a rich theoretical perspective. The basic principles of contract law are firmly settled, and yet there is deep theoretical disagreement about their precise contours, purpose, and justification. This course has two main learning objectives. The first is to deepen students' understanding of the fundamental principles of contract law by studying how those principles are embedded in settled doctrine and yet continually subject to controversy and disagreement. The second is to teach students to think critically about the law through the lens of a variety of theoretical and interdisciplinary frameworks. We will explore questions such as: what is the point of the doctrine of consideration? Is it a functional tool that could be replaced by some other functional tool or does it have some non-instrumental significance? What is the justification for the expectation measure of damages? If there is a right to performance, then why isn't specific performance the default contractual remedy? If contract law is the law of voluntary obligations, what view should we take of standard form agreements that are rarely read or understood? How does the common law of contracts fit with contract law's equitable doctrines? How can we reconcile contractual freedom with contractual fairness? Is there—and should there be—a duty of good faith in contract?

Evaluation: 75% - research paper (7,000 words, excluding footnotes) on a topic related to the course materials and approved in advance; 25% -class participation.

Litigation Dispute Resolution and the Administration of Justice Colloquium

(5007.03 M) *Seminar*

Instructor(s): Professor J. Walker

Winter: 3 credits; 2 hours; max. enrollment: 12

Prerequisite Courses: Students must be in their final year

Preferred Courses: none

Presentation: Student presentations and discussion

Upper Year Research & Writing Requirement: Yes

Practicum: No

This seminar is the capstone course for the LDA Stream. It provides students with the opportunity, in collaboration with their peers, and the Instructor, to develop and refine a major research paper on a scholarly project commenced in a previous seminar or course. The seminar proceeds in three phases.

First, students identify the research they wish to develop in the seminar, and they consult on ways to develop and refine the research. They present their paper proposal to the class for comment and discussion and they prepare a formal commentary on one other proposal.

Second, based on the proposal and the discussion, students conduct further research and writing in order to craft the substance and structure of their papers. Based on an outline prepared for the class, they present their papers and receive feedback on the analysis and the direction of the argument.

Third, as the papers progress through initial drafts, the students participate in intensive editing workshops to provide them with techniques for improving the quality of their writing.

Evaluation: The evaluation in the course is a major research paper (7,000 words), class presentations and oral and written commentary on another paper. Full attendance and participation is also considered as part of the evaluation scheme.

Patents

(2330.04 A) *Course*

Instructor(s): Professor I. Mgbeoji

Fall: 4 credits; 4 hours; max. enrollment: 70

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, discussion

Upper Year Research & Writing Requirement: No

Practicum: No

This course deals with the law of patents in Canada. Patent law is one of the main headings of intellectual property law (along with copyrights and trademarks); trade secrets arise from a combination of contracts, equity and property law. The regime of patents protects inventions by granting inventors a limited monopoly of twenty years in exchange for disclosing the invention to society. The essential justification of the patent system is that it enables and rewards innovation. Arguments may also be made that patents afford a secure means by which inventions may be put to commercial use by investors. The course will examine the statutory basis of patent law in Canada, the judicial construction and interpretation of both primary and subsidiary regulations of Canadian patent law. The course will also locate developments in Canadian patent law in the context of international and regional transformations in the field. In this context, the course will explore contemporary controversies over the expansion of patent rights in biotechnology (from patenting mousetraps to patenting mice), and the shift from copyright protection to patent protection for computer programs. It is expected that at the end course, students would have a solid understanding of Canadian patent law as well as how international developments shape and influence Canadian patent law.

Evaluation: Open-book examination (100%). Students may also opt to write an optional paper, worth 40% of their overall final grade (length, topic and schedule to be determined and approved with the instructor but paper is not to exceed 2500 words). Final exams for students electing this 40% paper option will be worth 60% of their overall final grade. This optional paper will not be eligible for the upper year writing requirement.

Public International Law

(2340.04 A) *Course*

Instructor(s): Professor H. Saberi

Fall: 4 credits; 4 hours; max. enrollment: 70

Prerequisite Courses: None

Preferred Courses: None

Presentation: lecture and discussions

Upper Year Research & Writing Requirement: No

Practicum: No

This course provides an introductory survey of public international law as a discipline and a political enterprise through the lens of the function of international legal system, its norms, processes, institutions, actors and participants. We will tackle a few legal doctrinal questions ranging from sources of international law to regulation of the use of force, humanitarianism, forceful intervention, and more with an eye on the shrinking lines between the domestic and the international and another on the changing notion of the 'international'. Throughout, our doctrinal investigation will take aid from both theoretical literature and historical and contemporary state of international political life to weigh the possibilities and limitations of international law in global affairs.

Evaluation: Participation (50%); three-hour closed-book examination (50%).

Real Estate Transactions

(2070.03 P) *Course*

Instructor(s): D. Carter; Adjunct Professor

Winter: 3 credits; 3 hours; max. enrollment: 70

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, discussion

Upper Year Research & Writing Requirement: No

Practicum: No

This course will use the standard Ontario Agreement of Purchase and Sale as a baseline to examine the leading academic issues and legal questions regarding real estate transactions in Ontario. We will focus on understanding how a real estate transaction works, the rights and obligations of the buyer and the seller of real estate, and the roles and obligations of the professionals involved in these transactions: the realtors, lawyers and mortgage brokers.

Evaluation: One 3-hour open book examination: 100%; 25% optional paper.

Real Estate Transactions

(2070.03 Q) *Course*

Instructor(s): I. Speers; Adjunct Professor

Winter: 3 credits; 3 hours; max. enrollment: 70

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, discussion

Upper Year Research & Writing Requirement: No

Practicum: No

Real estate represents the single greatest source of wealth for Canadians and Canadian businesses. It is complex with long standing historical roots. We will examine the agreement of purchase and sale which is the foundation of every real estate transaction, when is it enforceable, what should be in it, how it should be drafted and why, when to use conditions, promises or representations, how it is completed and what remedies are available for its breach. Other issues which will be examined include the land registration system, real estate agents duties, mortgages and other security, mortgage remedies, title insurance, Planning Act, fraud and solicitor's opinions.

Evaluation: 100% Open-book examination; 25% optional paper.

Real Estate Transactions

(2070.04 A) *Course*

Instructor(s): S. Pearlstein; Adjunct Professor

Fall: 4 credits; 4 hours; max. enrollment: 70

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, discussion

Upper Year Research & Writing Requirement: No

Practicum: No

The purpose of this course is to review and analyze the legal, ethical and practical issues in commercial and residential transactions respecting real property. Problems and remedies related to real estate transactions, including those involving real estate brokers and agents, sellers and buyers, mortgagors and mortgagees will be examined. Focus will be on the foundational areas of real estate law and their sources, including cases and statutes.

Evaluation: 100% Open-book examination; 25% paper option; 6,000 words.

Refugee Law

(2470.04 A) *Course*

Instructor(s): P. Balasundaram; Adjunct Professor

Fall: 4 credits; 4 hours; max. enrollment: 70

Prerequisite Courses: None

Preferred Courses: Immigration Law; Administrative Law

Presentation: Lectures (attend live, in person or remote), Synchronous Discussions, Assignments & Student-Led Teaching (All Online)

Upper Year Research & Writing Requirement: No

Practicum: No

Refugee protection is in a perpetual state of crisis, both domestically and abroad. Many refugee law practitioners and scholars argue that states are retrenching from their duty to provide refugees with the protection to which they are entitled under international law. At the same time, some government actors, media figures and civil society groups contend that existing refugee determination processes are excessively generous and are subject to widespread “abuse” by economically motivated migrants. Still others suggest that refugee protection regimes either distract from or help reinforce a deeper problematic: control over migration that serves to entrench global disparities in income, wealth and security. This course offers students an opportunity to engage critically with these and other debates over refugee law at the level of theory, policy and practice. This critical engagement will occur through a collaborative examination of refugee law instruments, institutions and jurisprudence in international and domestic forums, with a heavy emphasis on Canada. The course will be offered through live lectures and class discussions. The course will also include several weeks of student-led teaching in the second half of the term. There will be two written assignments. This course requires consistent and active student participation throughout the term, including participation in evaluated group work. There is no final exam or final paper. The course, including all evaluated work, will be complete by April 8. NOTE: If Covid-related restrictions permit live in-person classes on campus, students will have the option of attending in-person or remotely (in which case we will be using technology from the Refugee Law Laboratory to facilitate hybrid in-person / remote learning). If Covid-related restrictions do not permit in-person classes on campus, all classes will be held remotely via Zoom.

Evaluation: Participation (25%), Student-Led Teaching (20%), Written Assignments (55%).

Regulation Of Competition

(2350.03 A) *Course*

Instructor(s): T. Di Domenico; Adjunct Professor

Fall: 3 credits; 3 hours; max. enrollment: 70

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures and in-class discussions. Since reading is light for this course, and because the process and substance of competition law differs in important ways from other areas of law with which students will be most familiar, attendance at lectures and study of the slide decks will be an important component of your success in this course.

Upper Year Research & Writing Requirement: No

Practicum: No

Competition is good. In most industrialized countries, including Canada, this belief in the value of competition - that consumer and businesses prosper in a competitive and innovative marketplace - is a backbone of domestic and global economic policy. This belief is also the underpinning for the creation and enforcement of global and domestic competition/antitrust laws, including Canada's Competition Act. The Competition Act seeks to maintain and encourage competition in Canada, primarily through public and private enforcement. Competition law, enforcement and policy feature prominently in political debate and in the press, particular due to concentration concerns and the vigorous enforcement of competition laws. This course aims to provide students with a basic understanding of competition law, enforcement and policy and the analytical tools necessary to assess (1) the impact of such on a firm's behaviour and consumer well-being, and (2) how law can be applied to a firm's business conduct. Key topics considered in detail in this course are: (1) all aspects of Canada's Competition Act, including its reviewable practices and criminal offences; (2) the respective roles, investigative powers and decision making powers of the Canadian Competition Bureau, the Commissioner of Competition, the Public Prosecution Service of Canada, the Competition Tribunal and the Courts; (3) mergers; (4) collusion among competitors; (5) abuse of dominance or monopolization; (6) deceptive marketing practices; and (7) private enforcement.

Why take this course?

Individuals and firms, both small and large, require advice to ensure their conduct does not violate the criminal and civil provisions of competition law, is in compliance with all regulatory requirements, and does not result in exposure to civil suits by competitors, customers and suppliers. As a result, a basic knowledge of competition law is useful to anyone whose practice will have commercial aspects.

Practitioners whose work may benefit from some knowledge of competition law include:

- Corporate and commercial practitioners (whether in a transactional or litigation practice) regardless of size of firm;
- Plaintiffs' side lawyers (including tort lawyers);
- Criminal defence lawyers;
- Intellectual property lawyers;
- Lawyers who advise clients in industries subject to regulation;
- In-house lawyers who counsel business people about the legality of business plans and communications in the regular course of business; and
- Government lawyers.

Note: The instructor of this course/ seminar has indicated a preference or willingness to conduct optional in-person meetings for students. All in-person meetings will be optional for students until the general return to in-person instruction that is expected for the winter 2022 term. Any in-person meetings in the fall 2021 term that cover examinable course content will be accompanied by a remote participation option, such as a separate remote class, live dual delivery, and/ or a recording of the class, at the instructor's discretion. More information will follow from the instructor after students have enrolled; please also note that there is no guarantee of in-person instruction in any course or seminar.

Evaluation: 80% final exam and 20% class participation. Students have the option of submitting a 40%

research paper, which could reduce the weight of the final exam to 40%. The optional 40% research paper would be submitted on a “no downside risk” basis, namely if the student’s grade in the final exam is higher than the student’s grade in the final paper, the final exam will be weighted at 80%. Class participation to be assessed based on attendance and contributions to class discussion.

Regulation of the Canadian Cannabis Industry

(3592K.03 A) *Seminar*

Instructor(s): R. Hall & M. Taschereau; Adjunct Professors

Fall: 3 credits; 2 hours; max. enrollment: 20

Prerequisite Courses: None

Preferred Courses: None

Presentation: In-person lecture, discussion, presentations

Upper Year Research & Writing Requirement: Yes

Practicum: No

This seminar focuses on the regulation of the Canadian cannabis industry. We will consider the policy considerations that have contributed to the development of the medicinal and recreational cannabis regulatory regime and examine the legal impact this regime has had and will have on industry participants and the Canadian public generally. Among the topics considered are: (i) the history and policy goals of the legalization and decriminalization of cannabis; (ii) the regulation of the industry and the market in the United States and internationally; (iii) the Canadian regulatory regime for medicinal and recreational cannabis; (iv) the regulation of edible, concentrate and topical cannabis products in Canada; (v) the provincial patchwork approach to the regulation of distribution of cannabis and the impact on the market; (vi) Indigenous communities considerations; (vii) equity and debt financing by industry participants; (viii) the regulation of branding, packaging and promotion of cannabis products; (ix) insolvency and creditor realization issues specific to the cannabis industry; (x) employment and workplace safety issues; and (xi) the impact of legalization on international affairs, such as United States customs and border policies, international trade and compliance with international treaties. We will also explore a select number of specialized and emerging topics (such as the regulation of psychedelics/hallucinogenics).

Evaluation: Research paper 70% (7,000 words excluding footnotes or endnotes, bibliography and appendices). In-class discussions, exercises, presentations and/or reflections, all to be discussed in class, 30%.

Regulatory Offences

(3650.03 A) *Seminar*

Instructor(s): Justice R. Libman; Adjunct Professor

Fall: 3 credits; 2 hours; max. enrollment: 20

Prerequisite Courses: None

Preferred Courses: None

Presentation: Discussion, Guest Speakers, Student Presentations and Student Participation.

Upper Year Research & Writing Requirement: Yes

Practicum: Yes

In this seminar students will learn the substantive and procedural aspects of regulatory offences, or public welfare or quasi-criminal offences as they are sometimes called. The course has a practical focus, examining matters that arise before courts, administrative tribunals, regulators and law enforcement agencies. Seminar topics will include: the classification of regulatory offences, evidence gathering techniques, the application of the Charter of Rights, and the unique nature of strict liability prosecutions, including the operation of the due diligence defence. Sentencing considerations and proposals for reform will be canvassed as well.

Evaluation: Research paper (7,000 words) 60%, class participation 20%, class presentation 20%.

Restitution

(2360.04 M) *Course*

Instructor(s): Professor J. D. McCamus

Winter: 4 credits; 4 hours; max. enrollment: 70

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, discussion

Upper Year Research & Writing Requirement: No

Practicum: No

The law of restitution is the third branch - in addition to contract and tort - of the common law of obligations. An understanding of restitutionary doctrine is vitally important for potential litigators and commercial lawyers. Restitutionary issues can, however, arise in virtually every legal area. This course covers a number of topics - such as fiduciary obligation and constructive trust - that feature prominently in contemporary litigation both in commercial matters and in other aspects of private law, including family law.

The course organizes these materials in terms of a unifying theory of unjust enrichment and examines the relationship of restitution with the more familiar doctrines of tort, contract and property law. In so doing, the course fills in a number of gaps left by the first year contracts course and offers the student an overview of the entire field of civil liability.

Placing particular emphasis on Canadian materials which adopt the unjust enrichment theory, the course examines the more common instances of restitutionary recovery, benefits conferred under mistake, fraud or compulsion, in circumstances of necessity, or under transactions that are ineffective for such reasons as informality, incapacity, illegality, mistake, undue influence, unconscionability, frustration or breach. As well, consideration is given to the recovery of benefits acquired through wrongdoing whether criminal, tortious or in breach of a fiduciary duty.

Evaluation: 100% Open-book examination. In addition, but not in substitution for the final examination, students may write a paper on a topic to be approved by the instructor, worth 33.3% of the final grade. Students must elect to write a paper by the end of Week 4, and must provide a detailed outline of the paper by the end of Reading Week.

Securities Regulation

(2620.03 M) *Course*

Instructor(s): E. Skwarek; Adjunct Professor

Winter: 3 credits; 3 hours; max. enrollment: 70

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures and class discussion.

Upper Year Research & Writing Requirement: No

Practicum: No

A primary objective of this course is that students obtain a solid grounding in the basic concepts of Ontario securities law, as well as an understanding of the underlying policy objectives that regulators and decision-makers seek to achieve in implementing and interpreting statutory provisions. Students should also develop some appreciation of how the requirements of securities law shape and influence business transactions and the activities of public issuers, as well as how courts and regulators deploy securities law concepts and policies in resolving disputes. Participants will also be introduced to a variety of intellectual perspectives that critique or support current precepts of doctrine. By the end of the course, students should be well positioned to recognize and apply the relevant securities law doctrines and concepts in the context of examples of business transactions or activities, to understand the various roles that securities lawyers play as advisors to issuers or as litigators of securities law disputes, as well as to analyse the policy goals underlying securities law requirements. For those students who do not necessarily intend to practice securities law, the expectation is that the course will provide a working knowledge of key aspects of capital markets operation and their governance by law.

Evaluation: 2.5 hour examination for 100% of course grade OR 50% examination plus 50% research paper.

Securities Regulation

(2620.04 A) *Course*

Instructor(s): R. Cattanach and A. Wiens; Adjunct Professors

Fall: 4 credits; 4 hours; max. enrollment: 70

Prerequisite Courses: None

Preferred Courses: Business Associations

Presentation: Lectures, discussion

Upper Year Research & Writing Requirement: No

Practicum: No

This is a four hour course in which we will deliver an overview of securities regulation in Canada from a practitioner's perspective. We will review the Ontario Securities Act, regulations and policies, and will reference certain securities laws in other jurisdictions as well. We will study certain key securities regulatory concepts and how they intersect with today's corporate finance markets. Our review will include: the meaning of terms such as "security", "trade" and "distribution"; primary and secondary distribution of securities; prospectus offerings; private placement exemptions and resale rules; regulation of the trading markets including various stock exchange rules; capital pool companies and SPACs; continuous and timely disclosure; takeover bid legislation; mergers and acquisitions; primary and secondary market civil liability; and regulatory enforcement issues. Our goal is to have our students leave the course with a solid grounding in Canadian securities law as well as a good understanding of how these laws impact corporate finance in Canada.

Evaluation: 100% open book examination, with a student's option for 10% class participation and/or a paper for 25% of the grade whereupon the final exam will be 65% of the grade (if both options are chosen).

Statutory Interpretation

(2930.03 A) *Course*

Instructor(s): B. Kettles, G. Jenner and A. Porter; Adjunct Professors

Fall: 3 credits; 3 hours; max. enrollment: 50

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, discussion.

Upper Year Research & Writing Requirement: No

Practicum: No

This course will: (a) introduce students to statutory language; and (b) give students the opportunity to develop practical skills in the interpretation and application of statutory provisions. Various topics will be discussed, including:

1. Judicial approaches to statutory interpretation;
2. Interpretive Theory;
3. The nature of "legislative intent";
4. Maxims and Rules of Interpretation, both common law and statutory;
5. Interpretive Presumptions;
6. Judicial notice;
7. Practical considerations in legislative drafting; and
7. Evidence of legislative intent.

The overall emphasis is on the language of the law and the practical application of statutory language and concepts.

Evaluation: 60% Take-Home Examination, 25% In-Class Presentation, 15% Class Participation.

Tax As Instrument Of Social & Economic Policy

(3006.03 P) *Seminar*

Instructor(s): Professor J. Li

Winter: 3 credits; 3 hours; max. enrollment: 5

Prerequisite Courses: None

Preferred Courses: None

Presentation: Discussion and student presentations on designated topics during class. The seminar will be taught in three-hour classes in a nine-week period for a total of twenty-seven hours beginning the week of January 16, 2023.

Upper Year Research & Writing Requirement: Yes

Practicum: No

This seminar considers the use of tax instruments to achieve social and economic goals. Now is a perfect time for studying this because governments around the globe – including the Canadian government - are relying on tax measures to respond to the challenges of COVID-19 pandemic, globalization and digitalization, increasing wealth/income inequality, and the need to balance redistribution of income and economic growth. This seminar provides an opportunity for students to learn about tax policy in action, and more importantly, develop skills in legal and public policy analysis that can be applied in all areas of law.

To take this seminar, students should have an intellectual curiosity, and be prepared to read and think like a legal professional. A detailed course outline and written guidance for each module of the class will be provided in advance.

Guest speakers will be invited to lead some discussions.

Evaluation: Methods of evaluation: a) 10% for attendance and active contributions in class; b) 5% for a short (no more than one page) reflection memo on the designated readings; c) 5% for making a group presentation on a designated topic; d) 80% for a research paper on a specific topic (5,000 for first year students and 7,000 words for upper years, excluding footnotes, Abstract and Outline.) that reflect the objectives and scope of the seminar.

Tax Law and Policy Colloquium

(5330.03 M) *Seminar*

Instructor(s): S. Wilkie; Distinguished Professor of Practice

Winter: 3 credits; 2 hours; max. enrollment: 10

Prerequisite Courses: Tax Law and at least one other tax course

Preferred Courses: None

Presentation: Seminar, discussion

Upper Year Research & Writing Requirement: Yes

Practicum: No

This tax policy seminar is open to students who are enrolled in the "tax stream" as well as students who are interested in exploring tax issues at a deeper level. It serves as the capstone course for the Tax Law Program. The main learning objective, as both a tangible outcome of the course and the main basis for students' evaluations, is to help students develop a strong sense of tax law in its fiscal and general legal context. Attention is paid to the significance of this understanding for problem solving and advice giving in a professional setting. To that end, supervised by the instructor, students are responsible throughout the seminar to craft a piece of writing of at least 7,000 words that is of a quality that would be expected of an entry-level lawyer in the private or public sector of publishable quality. This paper is expected to take advantage of the subjects addressed in the seminar and how they are explored to connect theory and policy in the tax law to outcomes in its application. More specifically, the seminar is designed to help students bring together the knowledge and skills they have developed in the tax and related courses they have taken, to further develop their critical thinking and writing abilities, and to engage them actively in the production of new knowledge in the tax field. Although the precise content of the course will vary from year to year to capture dynamic fiscal and tax policy developments in relation to fundamental tax notions, basically the seminar will involve a topics-oriented examination of current research in tax law and policy. At the end of the seminar students should have the ability to think critically and expansively about tax issues and to read the most sophisticated tax articles - whether theoretical or practical - critically and with understanding and to write publishable tax commentaries. There will be scheduled classes throughout the course to discuss tax literature, topical policy issues and research methodology. Under the guidance of the instructor, students are expected to work on their chosen research project as early as possible in and throughout the term. Students will be required to present their draft papers before the end of the term by leading a seminar presentation in which all members of the class with the instructor will participate.

Evaluation: Students will be evaluated on the basis of a class participation (15%, based on in-class discussions and presentations including an end of term seminar that they lead to present their research) and a research paper (85%).

Taxation Law

(2080.04 A) *Course*

Instructor(s): Professor J. Li

Fall: 4 credits; 4 hours; max. enrollment: 70

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lecture, problems, guest speakers

Upper Year Research & Writing Requirement: No

Practicum: No

The Income Tax Act (ITA) is the biggest statute in Canada. It was created during World War I, expanded during World War II, and matured into a Canadian legal institution with the establishment of the modern welfare state during the 1960s and 1970s. It affects every aspect of commercial and personal life of most Canadians. It is the "perfect" instrument for learning key legal skills - statutory interpretation, problem solving and policy analysis. The course relies on an "easy-to-read" textbook (relative to other books on the subject) to supplement the ITA and landmark court decisions. Guest speakers will offer insights on key issues. As a foundational course in the JD program, the course will focus on basic provisions of the ITA, fundamental principles and the "fun" of learning how the law "speaks" and how taxpayers (and judges) react.

Evaluation: (a) 5% for class attendance and participation;

(b) 5% for participating in group presentations or a one-page review of a designated case or readings;

(c) 90% for a three-hour, open-book final exam that reflects the scope and content of the course.

Taxation Law

(2080.04 P) *Course*

Instructor(s): Professor I. Ozai

Winter: 4 credits; 4 hours; max. enrollment: 70

Prerequisite Courses: None

Preferred Courses: None

Presentation: Videos, lecture, quizzes, group discussions, guest contributors

Upper Year Research & Writing Requirement: No

Practicum: No

This course introduces the fundamental principles of the Canadian federal income tax system. We will focus on building the vocabulary of taxation and exploring the social, political, and economic factors that shape the development of the law. By the end of the course, students should understand why societies tax, who and what they tax, and how they do so; be familiar with the general structure and principles of the Canadian federal income tax system; and develop skills in close, critical reading and interpretation of primary and secondary legal sources.

The central focus of the course is on the tax principles for the treatment of revenue, losses, and expenses earned or incurred by individuals. We will further discuss general tax policy issues and situate the income tax within the broader Canadian tax system. To ensure students obtain a practical understanding of tax law, the course will also introduce the tax administration and dispute resolution frameworks.

Throughout the course, students will have the opportunity to build their skills in interpreting complex statutes and applying tax rules to facts. The course uses a combination of lectures, videos, short exercises, and problems for discussion, which will provide you with several opportunities for active learning.

For those of you who fear numbers, take heart. This course focuses on the legal rules underlying our income tax system, not on mathematics. Any math used in class or tested on the exam is limited to simple computation exercises to illustrate tax rules and their application.

Evaluation: 100% final examination or optional 25% quizzes and 75% final examination.

Taxation Law

(2080.04 Q) *Course*

Instructor(s): T. Trieu, Adjunct Professor

Winter: 4 credits; 4 hours; max. enrollment: 70

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lecture, problems, discussion, and group work

Upper Year Research & Writing Requirement: No

Practicum: No

Taxation Law is the foundational course in tax. It is one of the highly recommended courses for students at Osgoode. It is designed for students who find tax issues intriguing and also for those who are more interested in the many other substantive areas of law which invariably intersect with tax.

The course is a survey of the federal income tax system, with a focus on the taxation of individuals. Students will learn about the general framework of the Income Tax Act, come to appreciate the underlying principles and policies of the system, and develop statutory interpretation skills that will serve them well in practice.

Students are expected to have read the prescribed readings before class. The amount of the readings for this course is modest. Students are encouraged to bring questions to class. No laptops or mobile devices are allowed during class. Attendance is required.

Students interested in taking the course should obtain a copy of Li, Magee and Wilkie, *Principles of Canadian Income Tax Law* (9th edition) from the publisher (Thomson Reuters) or the York University Library before December 31, 2022. This book will be used as the main reading material for the course.

Evaluation: Evaluation:

- (a) 15% for class attendance;
- (b) 15% for group work, including presentations, as well as individual contributions in class; and
- (c) 70% for a three-hour, open-book final exam that reflects the scope and content of the course.

Taxation of Business Enterprises

(4100.04 M) *Course*

Instructor(s): G. Turner; Adjunct Professor

Winter: 4 credits; 4 hours; max. enrollment: 65

Prerequisite Courses: Taxation Law

Preferred Courses: None

Presentation: Lectures, Discussion, and Problem Solving

Upper Year Research & Writing Requirement: No

Practicum: No

Taxation of Business Enterprises examines the federal income tax treatment of Canadian-resident corporations and their shareholders. The course covers the corporate tax rates on different types of income (including the small business deduction and refundable taxes on investment income), the integration system for taxing shareholders (including the tax treatment of dividends and other corporate distributions), the concept of paid-up capital, tax-deferred transfers of property to a corporation, and corporate reorganization provisions (including share-for-share exchanges, share conversions, capital reorganizations, amalgamations and liquidations).

The course explores the tax policy choices influencing Canada's corporate income tax system, and encourages an understanding of complex statutory provisions through an appreciation of the underlying policy rationales. The instructor will bring to the classroom numerous examples from his tax practice experience to illustrate how Canada's corporate tax rules apply in real-world circumstances. The course is intended to provide students pursuing business law careers with a practical understanding of foundational corporate tax principles, and is essential preparation for students pursuing further studies in taxation law.

Evaluation: Open-book examination (3 hours) worth 100% or 50% open-book examination and 50% paper (5,000 words).

Taxation of Corporate Transactions

(5210.03 M) *Seminar*

Instructor(s): N. McIsaac & M. Colborne; Adjunct Professors

Winter: 3 credits; 2 hours; max. enrollment: 20

Prerequisite Courses: Tax Law

Preferred Courses: Business Associations, Taxation of Business Enterprises, International Tax

Presentation: Discussion, group work, presentation and mooting

Upper Year Research & Writing Requirement: No

Practicum: No

This seminar focuses on selected types of transactions typically undertaken by corporations that have significant tax implications or are motivated by tax considerations. These transactions include corporate financing, reorganizations, remunerating owner-managers, and estate freezing. It is perfect for a Practicum – a seminar combining theory, practice and reflection.

Experienced and thoughtful practitioners will lead and participate in some discussions.

Expectations of students are similar to those of junior associates at a law firm or Department of Justice (DOJ): learning the materials with guidance and supervision; applying the knowledge gained from the readings for a specific purpose, e.g., identifying their “practical” implications for a client (a taxpayer or the CRA in the case of DOJ); critically reflecting upon the practical application in the context of the overall system design, purposes, and theoretical underpinnings of the Income Tax Act; and presenting the learning outcomes orally in class or writing (in the form of a memorandum).

To take this seminar, students should have taken Taxation Law and should be prepared to work in groups. Relevant corporate tax materials will be covered in this seminar so that students who have not taken the corporate tax course would be able to fully participate in the learning process. A detailed course outline and written guidance for each module of the class will be provided in advance.

Evaluation: a) 10% for attendance;

b) 10% for contributions in class (evidenced by participating in designated presentations and the quantity and quality of “open” remarks);

c) 30% for (i) a memorandum (less than 2,000 words) that analyses a type of transactions in terms of their design, intended tax objectives, pitfalls, etc., or (ii) a factum on a group basis (no longer than 2,000 words multiplied by the number of students in the group);

d) 50% for a reflection memorandum on a specific topic (3,000 words).

Theory and Practice of Mediation

(5960.04 A) *Seminar*

Instructor(s): S. Moldaver; Adjunct Professor

Fall: 4 credits; 3 hours; max. enrollment: 20

Prerequisite Courses: None

Preferred Courses: None

Presentation: Seminars, discussion

Upper Year Research & Writing Requirement: No

Practicum: Yes

This mediation seminar offers students an opportunity to develop an understanding of the utility and impact of mediation within the context of dispute resolution in Canada. Students will gain an understanding of mediation through the weekly seminars, simulations, reflections, and, circumstances permitting, co-mediations at Small Claims Courts in Ontario. The seminar will examine the utility of mediation and alternative dispute resolution, ethical and professional responsibility issues that arise in practice, the role of emotion, gender and culture in the process, and analyze the issues that students encounter in their own mediations and simulations. The seminar includes i) mediation training, including weekly simulations, and introduction to mediation and mediation-advocacy theory; ii) weekly seminars, guest lectures, and discussions and critiques of the course readings; iii) mediations in small claims courts (circumstances permitting); and iv) a reflective research paper comprised of issues discussed in the seminar, raised in assigned readings and confronted in students' mediations.

Evaluation: Class Participation (20%); Mediation Assessment (20%); and a Research Paper (60%).

Trademarks

(2170.04 M) *Course*

Instructor(s): Professor I. Mgbeoji

Winter: 4 credits; 4 hours; max. enrollment: 70

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lecture, discussion

Upper Year Research & Writing Requirement: No

Practicum: No

This course explores the legal protection of 'trade identity' afforded by the common law and intellectual property rights over signs that indicate the source of goods or services. The course offers students the opportunity to learn about the laws that protect the logos and brands that make up such an essential feature of today's consumer culture, modern marketing practices, and the creation of commercial value. The focus is on the federal Trademarks Act and its impact on private rights to regulate trademark use and unfair competitive practices. This will include analysis of newly enacted statutory reforms. Topics to be examined include the common law action for passing off, the criteria for trademark registration, the basis for opposing an application or expunging a registration, trademark distinctiveness, use and infringement.

As well as familiarizing students with the substantive law in the area, the course seeks to assess trademark law from the point of view of its normative justifications and policy objectives. We will inquire into the basis of the rights protected and their appropriate limits, and examine the law in light of the various interests at stake, from the entrepreneur's interest in preventing 'free-riding' to the competitor's interest in free competition, and from the consumer's interest in avoiding confusion to the public's interest in full information and free expression.

Objectives: By the end of the course, students will be familiar with the fundamentals of Canadian trademark law, including the common law tort of passing off and the main provisions of the Trade-marks Act. Students will also be able to explain and critically assess the principles, policies and practicalities that shape this area of law.

As such, students successfully completing this course will be able to:

- Address any problem in Canadian trade-mark law relating to ownership, validity, rights, infringement and defences;
- Identify, understand and explain the key provisions of Canada's Trade-mark Act and judicial efforts to interpret and apply them;
- Recognize the main policy issues that underlie and animate trade-mark law and, in light of those issues, comment critically on case law and legislation;
- Understand and evaluate various justifications for the protection of trade-marks and other distinctive indicia, and recognize and describe the connection between these justifications and the evolution of the law.

Evaluation: Open-book examination (100%). Students may also opt to write an optional paper, worth 40% of their overall final grade (length, topic and schedule to be determined and approved with the instructor but paper is not to exceed 2500 words). Final exams for students electing this 40% paper option will be worth 60% of their overall final grade. This optional paper will not be eligible for the upper year writing requirement.

Trial Advocacy

(5270.04 A) *Seminar*

Instructor(s): J. Rosenthal; Adjunct Professor

Fall: 4 credits; 3 hours; max. enrollment: 60

Prerequisite Courses: No prerequisite, but Evidence is a co-requisite (i.e. either completed last year or enrolled in the fall term.)

Preferred Courses: None

Presentation: Lectures, readings, Student performances plus critique, demonstrations.

Upper Year Research & Writing Requirement: No

Practicum: Yes

An introduction to the techniques of trial advocacy in civil and criminal trials. Consideration is given to pre-trial preparation and case analysis, opening and closing statements, examination and cross-examination of witnesses, evidence issues, expert evidence, tactical questions and ethical issues that confront the trial lawyer. Students perform simulation exercises in small groups under the critical guidance of experienced trial lawyers and Judges. Students conduct 1/2 day jury trials with two-student counsel acting on each side of the case. Trials are presided by Judges of either the Ontario Court of Justice or the Superior Court of Justice.

Evaluation: Class presentations, mini trials, final trials, attendance and a 5 page reflective essay that satisfies the Practicum requirement. Grade is on a credit/no credit basis.

Trusts

(2090.04 P) *Course*

Instructor(s): Professor P. Girard

Winter: 4 credits; 4 hours; max. enrollment: 70

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lecture

Upper Year Research & Writing Requirement: No

Practicum: No

This course will provide a survey of key issues relating to trusts and trustees. The topics to be covered include: the juridical nature of the trust as a distinctive legal relationship, the reasons for which trusts are established (or come into existence by operation of law), the means by which trusts are established, and the different species of trusts, including express trusts, purpose trusts, constructive trusts and resulting trusts, and issues relating to trustee duties. Some equitable doctrines beyond the trust proper may be covered if time permits.

Evaluation: Students will be assigned to small groups for the purposes of completing two exercises during the term, worth 15% each. The final, open-book examination will be worth 70%.

Trusts

(2090.04 Q) *Course*

Instructor(s): Professor A. Parachin

Winter: 4 credits; 4 hours; max. enrollment: 70

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, discussion

Upper Year Research & Writing Requirement: No

Practicum: No

This course will provide a survey of key issues relating to trusts and trustees. The topics to be covered include: the juridical nature of the trust as a distinctive legal relationship, the reasons for which trusts are established (or come into existence by operation of law), the means by which trusts are established, the different species of trusts, including express trusts, purpose trusts, constructive trusts and resulting trusts, and issues relating to trustee duties.

Evaluation: 100% final examination or optional 33% mid-term exam and 67% final examination.

U.S. Securities Regulation in Comparative Perspective

(5620.03 M) *Seminar*

Instructor(s): L. Ritchie; Adjunct Professor

Winter: 3 credits; 2 hours; max. enrollment: 20

Prerequisite Courses: Business Associations

Preferred Courses: Securities Regulation (can be taken simultaneously)

Presentation: Lecture, discussion, problem-solving

Upper Year Research & Writing Requirement: Yes

Practicum: No

This seminar will provide an overview of U.S. securities regulation, with the goal of developing students' understanding of the regulation of the U.S. capital markets from both a doctrinal and policy perspective, and understanding differences and similarities with Canadian market regulation and their respective regulatory structures and approaches.

Particular emphasis will be put on current regulatory issues, such as enforcement approaches, perspectives and initiatives and the relationship between securities law and corporate law. The Sarbanes-Oxley reforms of 2002; regulators' responses to, and regulatory initiatives introduced in light of, the credit crisis in 2007-2008; concerns about the continuing global competitiveness of the U.S. securities markets; as well as the theme of increasing international cooperation and coordination in regulatory policy making will also be explored.

Topics to be covered include a history of American securities regulation; principles of materiality and on-going disclosure; the regulation of the public offering process; the prospectus system and exemptions from public offering requirements; mergers and acquisitions; the increasing role of shareholder activism, proxy battles and governance oversight; key players in the American enforcement environment; insider trading, manipulation and foreign corruption; debates over securities class actions under Section 10(b) and Rule 10b-5 of the '34 Act; ESG disclosure issues; new and emerging issues, such as cryptocurrency and the role of public markets; and international cooperation and derivatives. Reading materials will combine theory (law review articles, reports of blue-ribbon commissions) with practice (statutory materials applied to problems distributed in advance).

Evaluation: Research paper: 90% (7,000 words (not including footnotes or bibliography)), class participation: 10%.